



**Board of Commissioners
Agenda Packet**

October 3, 2016

6:00 PM Call to Order

- A) Invocation & Pledge of Allegiance-Reverend Kim Ferebee, St. Mark Church of Christ
- B) Approval of Agenda

Administrative Reports

- A) **Whalehead Dredging Presentation-Dan Scanlon, County Manager**
- B) **Large Residential Structures Presentation-Ben Woody, Director, Planning and Community Development**

Public Hearings

- A) **Public Hearing and Action: PB 16-16 E.T. Hyman Surveying (Aggregate Storage and Processing); Request to amend the UDO to allow aggregate storage and processing in the Agriculture Zoning District on parcels with direct access to the railroad.**

Old Business

- A) **Discharge of Firearms Ordinance Discussion-Distance, Noise and Locations**

New Business

- A) **Consideration of Resolution Authorizing the County's Disposition of 95.61 Acres of Property on Knotts Island Known as a Portion of the Flyway Tract By Conveyance to the United States of America in Exchange for 719.65 Acres of Property Owned by the United States of America on the Currituck Outer Banks, Pursuant to N.C. Gen. Stat. §160A-279**
- B) **Board Appointments**
 - 1. Historic Boat and Building Advisory-Amended Item Added to Agenda
- C) **Consent Agenda**
 - 1. Approval Of Minutes-September 19, 2016
 - 2. Budget Amendments
 - 3. Resolution Authorizing the "Piggybacking" On a Purchase Agreement From Houston-Galveston Area Council of Governments for a 2017 IH 7400, 2 Door, OEM Cab, Pumper/Tanker with 51 foot Rear Mount Roadrunner and Associated Equipment from Rosesnbauer South Dakota, LLC and C.W. Williams and Co., LLC
 - 4. Knotts Island VFD-Payment Approval-Pump Module Replacement
 - 5. Consideration of County Personnel Policy
 - 6. Amendment to County Manager Contract-Agenda was amended and this item was removed from consideration at the October 3, 2016 meeting of the BOC.
 - 7. Consideration of third amendment to agreement for the exchange of land between The Conservation Fund, County of Currituck, and the United States of America.

8. Order of Entry-R.F. London, Inc. (Mermaids)

D) **Commissioner's Report**

E) **County Manager's Report**

Public Comment

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.

Adjourn

Special Meeting of the Tourism Development Authority

TDA Budget Amendments

Adjourn Special Meeting



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1681)

Agenda Item Title

Whalehead Dredging Presentation-Dan Scanlon, County Manager

Brief Description of Agenda Item:

The County Manager will provide a background and status update of the county's efforts to secure approvals for channel dredging in the area of Whalehead at Historic Corolla Park.

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Daniel F. Scanlon



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1682)

Agenda Item Title

Large Residential Structures Presentation-Ben Woody, Director, Planning and Community Development

Brief Description of Agenda Item:

The Planning and Community Development Dept. will present a report on large residential structures. The report will summarize comments and opinions received from a sampling of interested parties, to include residents, owners and investors, builders and business owners.

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Ben Woody



Currituck County

Planning and Community Development Department
Planning and Zoning Division
 153 Courthouse Road, Suite 110
 Currituck, North Carolina 27929
 252-232-3055 FAX 252-232-3026

To: Board of Commissioners
 From: Planning Staff
 Date: September 26, 2016
 Subject: PB 16-14 Currituck County Large Residential Structures Administrative Report

At the August 1, 2016 Board of Commissioners meeting, the board directed planning staff to hold a community meeting to evaluate the proposed text amendment and to receive comments from the public.

The staff held a public meeting on August 12, 2016 at the Corolla Library. This meeting was well attended by citizens, property owners, and representatives of the building and real estate community. After a short presentation by staff, and a question and answer session, the staff solicited comments from the meeting attendees.

The enclosed meeting summary reflects the comments received.

The comments demonstrate a wide range of opinions on the topic of large residential structures. Many of the attendees did not agree on the extent to which these structures should be regulated, if at all. However, there were general areas of consensus from the meeting:

- Specifically address the ordinance impact on existing structures to avoid issues commonly associated with being designated as a nonconforming use.
- Make an allowance for areas that are already planned or platted for large residential structures (e.g., sections of Pine Island).
- The proposed minimum parking space size is too small and is not reflective of typical vehicle sizes.
- The infrastructure and level of county services necessitates differentiating between the off-road and paved road areas.

Attachments

- Attachment A: August 12, 2016 public meeting summary
- Attachment B: July 20, 2016 staff report
- Attachment C: Proportionality aerial photograph example
- Attachment D: Ordinance requirements as-built example
- Attachment E: Corolla and Off-Road Area building statistics

**Large Residential Structures
Corolla Library Meeting Room
August 12, 2016
10:00 AM**

Meeting Summary

Planning Staff presented the PowerPoint entitled Large Residential Structures, August 12, 2016.

Staff received the following questions and comments from meeting attendees:

Consider leeway for size of adjacent properties (existing older homes are smaller).

Proportionality should have a cap; consider not allowing escalation of home size.

There is concern about this ordinance and the nonconformities it may create.

Add language to protect existing square footage within a setback.

Consider changing the noise ordinance.

How do setbacks and buffering apply to existing lots?

Consider changing buffering requirements, it is difficult to grow 20' trees on the oceanfront.

Are existing lots grandfathered?

Will Pine Island Reserve be grandfathered? Is there an option to exclude Pine Island Reserve from the proposed ordinance?

Narrow lots need to be considered.

Suggest extending the effective date; consider a timeline for implementing the ordinance

The proposed rules make it difficult to plan for a house larger than 5,000 square feet; a small house building application may change the rules mid-stream.

The ordinance is not consistent, no consistency in permitting process for applicants/property owners.

Has staff checked with insurance companies regarding potential changes?

Is there an appeal process for non-conforming lots? For example: Pine Island Reserve.

Have there been studies planned or performed regarding devaluation of property?

Are there projections on how this can impact properties in 5-10 years?

To protect quality of life in the off-road area, in addition to abutting properties, consider expanding the proportionality to include surrounding homes (across the road).

The rules make it difficult to determine if a particular lot will meet the required setbacks.

Where did the proportionality concept come from? A neighbor or neighbors decide how big your house can be.

Parking regulations are not restrictive enough or enforced. It is typical to see 1.5 to 2 times as many vehicles as parking spaces allow. Parking spaces should be sized to modern SUVs. On-street parking is a problem.

Large houses with increased bedrooms impact neighbor's quality of life.

Number of rentals impact quality of life.

There are off-road area public safety issues. Ex: access, emergency services.
Consider a permit system for beach access.

Noise issues on the oceanfront are typically from the neighbors across the street and not the next door neighbors.

Revisit event permit system to educate on parking, noise, trash, etc.

The beaches are already overcrowded.

The way the area is being advertised contributes to overcrowding.

The County is advertising the wild horses and there are too many day trippers.

Require an on-site manager at event houses.

Enforcement & implementation of occupancy is an issue.

Rental Companies should distribute rules to help educate renters.

There is an increase in horse human interaction due to the influx of people & cars. More Law Enforcement is needed.

Bigger doesn't mean more revenue. Need sound economic model.

There is a lack of small family sized homes.

Look at occupancy of houses.

Rental sites don't list occupancy - only beds available.

VRBO lists sleeping capacity and the capacities advertised are greater than they should be.

The ordinance seems to address the Off Road Area. Don't want the issues associated with Pine Island Reserve to affect ordinance adoption.

Add an appeals process or special exception for areas like Pine Island Reserve.

Consider public safety impacts. Need access for fire-fighting.

Setbacks help minimize fire spreading to adjoining structures. Fire setbacks should scale based on building size.

Why not define a maximum number of bedrooms as single-family? Define event homes differently than single-family dwellings.

Thanks to staff for being advocates.

Tourism advertising doesn't reflect actual conditions.

Advertisements are geared towards a unit family; there aren't many housing options for that.

Large houses may affect value of smaller existing houses as well as impact quality of life.

Require a use permit in SFO zoning district also.

Proportionality should be expanded.

The point is to have an impact on the neighborhood.

Consider scope of proportionality measure.

Reducing the percentage to 125% may control the leapfrog scenario.

Mega houses can be built under the proposed regulations. The largest house that can be built in a community/subdivision should be modeled.

Consider diversity of lot sizes and not necessarily a one size fits all approach. Side setbacks should be scaled based on lot size.

Permit single-family dwellings correctly. A 20 bedroom house is not a single-family dwelling.

The community is morphing to commercial; it started as a residential community.

Need good neighbor guidelines regarding traffic, noise, trash, etc.

Fire danger may be overstated.

People should be able to build what they want. There are a lot of 5,000 sf houses in the U.S.

Change is inevitable, can't pull up the ladder behind you.

The perception of overcrowding needs to be addressed in a different way. Not just building size.

The Outer Banks is becoming too crowded like other beaches (packing houses to lower costs).

Currituck is a driving destination not comparable to larger beaches that have airports nearby.

Laissez Faire attitude toward development is not the right approach. It will ruin the beach.

Need a Vision for 10, 15, 20 years - how to control growth.

Need a plan for infrastructure, growth may not stop.

Use occupancy tax to pay for needed services.

Existing houses have more occupants than allowed.

What are the vacation needs of the next generation?

Balance interest, don't overly impinge on property rights, need sane and rational regulations for benefit of community.

Need reasonable approach to beach development.

How do the new rules affect resale value?

When does a single-family dwelling become a commercial structure?

The problem is how the homes are being used, not the size.

Preventative measures are needed so that we don't become like a Myrtle Beach.

Consider lot size and width related to setbacks, there are areas with small lots like Ocean Sands. Consider impacts of the ordinance on each neighborhood/subdivision.

In the SFR zoning district, excluding CAMA setbacks and wetlands from the minimum buildable area makes it difficult to determine the allowable building size.

The use permit requirement is too cumbersome.

The use permit requirement is needed and provides a rigorous review that is appropriate.

The County asked the NCGA for legislation to require life safety features. These features offset financial need for paid Fire staff.



Currituck County

Planning and Community Development Department
Planning and Zoning Division
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
252-232-3055 FAX 252-232-3026

To: Board of Commissioners
From: Planning Staff
Date: July 20, 2016
Subject: PB 16-14 Currituck County Large Residential Structures Text Amendment

At the 2016 BOC Retreat in January, the board directed planning staff to develop recommendations to address the impact of large residential structures in the Currituck Outer Banks. Following the retreat, the staff conducted public outreach efforts and work sessions with citizens in Corolla. In April, the Board of Commissioners held a work session to review work and analysis completed by staff. Outcomes of the work session include:

- County attorney to submit special legislation to address life safety issues on residential structures greater than 5,000 sq. ft.
 - Commercial floor load and deck load standards
 - 13D sprinkler system (residential system)
 - Exit lighting
- Increased minimum off-street parking for all residential dwellings on the OBX
- Better signage prohibiting on-street parking
- Compatibility standards – a general consensus for **exploring this option**
 - Establish a “trigger size” to apply higher standards
 - Increased side setbacks
 - Larger lot size required in off-road beaches
 - Screening for outdoor use and refuse areas
 - Proportionality – new houses similar in scale or bulk of existing neighboring houses

The enclosed text amendment attempts to address the issues of compatibility and safety impacts of houses greater than 5,000 square feet. The draft language increases side setbacks to 25 feet, requires additional buffering for outdoor gathering spaces, and limits the number of parcels in the off-road area available for large house construction. Parking standards are increased for all residential structures. These additional rules are only triggered when a house is proposed to be larger than 5,000 square feet. Very large houses can negatively impact a neighborhood's character and can potentially create safety issues, especially in areas where emergency response and infrastructure is limited.

The 2006 Land Use Plan Policy statements that are relevant to the request are as follows:

LUP POLICY OB3: Currituck County recognizes that, on the Outer Banks in particular, "single family" homes are being built that accommodate 15, 20, 25 or more people. Thus, these **LARGE RESIDENTIAL STRUCTURES** are circumventing existing zoning laws that could not anticipate the advent of these building forms. Development regulations and project approvals shall therefore be based upon the actual nature of the structure rather than the label (e.g. single family) that may be attached to it.

LUP POLICY OB4: Currituck County supports policies and actions that require the square footage, number of bedrooms, and/or occupancy levels of **RESIDENTIAL STRUCTURES** to be determined in proportion to lot size, as well as public health and safety issues concerning water supply and sewage disposal, fire safety, emergency services, parking, traffic loads during evacuations, etc.

Staff Recommendation:

Planning staff recommends **approval** of the text amendment because it is consistent with the goals, objectives, and policies of the Land Use Plan because the proposed amendment addresses the actual nature of a large residential structure (POLICY OB3) and it addresses public health and safety issues (POLICY OB4). Further, the amendment is reasonable and in the public interest because it is required by changed conditions and results in a logical and orderly development pattern.

Planning Board Recommendation:

Mr. Cooper moved to approve PB 16-14 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development with the following conditions:

- Mainland will be exempt from text amendment.
- Corolla the text amendment will apply as written.
- Carova (Off-Road Area) the text amendment will apply as written with the condition a use permit is required of any home built over 10,000 sq. ft.

Mr. Whiteman seconded the motion and motion carried.

Planning Board Discussion (7/12/16)

David Knoch and Marie Long appeared before the Board. Mr. Woody and Ms. LoCicero presented the staff report.

Ms. LoCicero provided an overview of the text amendment and a PowerPoint presentation. Ms. LoCicero presented items for discussion on large residential structures. These items included:

- Images of house size comparison
- Text amendment - revisions to:
 - Use Standards - single family homes exceeding 5,000 sq. ft.
 - Setbacks (Side setbacks shall be a minimum of 25 feet)
 - Proportionality (Only applies if you build a house over 5,000 sq. ft.)
 - SFR district

- o Development standards - off street parking

Mr. Woody talked about increase side setbacks and screening for refuse containers. He showed an example of a corner lot in the Whalehead Club that you can build an eleven bedroom home on a 20,000 sq. ft. lot and meet the 25 ft. side setbacks. If you have outdoor activity areas you would have buffering from adjoining property owners. Mr. Woody said you can get credit for using different types of impervious material for parking.

Ms. Overstreet said in the remote, off-road area you don't have a designated area for parking because vehicles park in the sand, whereas in the paved area in Corolla you have a designated area for parking which is paved. This makes a difference between the paved and off-road area.

The board discussed impervious material/coverage, setbacks, proportionality, design and parking standards, off-street parking, education efforts to educate visitors, enforcement of off-street parking by homeowners associations, better signage, and the definition of living area of the main structure.

Mr. Craddock asked what is the CAMA regulations on an oceanfront lot, either in Corolla or the off-road area; and what is the distant undisturbed for the setback.

Mr. Woody said you have structure setbacks based on the square footage. Mr. Woody said the federal housing law can limit the maximum size of residential houses, but you cannot create a minimum size of residential houses. Mr. Woody showed Ed Cornet's model if you were the first on to build on the block, a 20,000 sq. ft. lot, you could do a 9,000 sq. ft. house with 14 bedrooms. You could fit all the wastewater and parking under this model. When the Unified Development Ordinance (UDO) was adopted in 2013 it states 2 parking spaces for 1-4 bedrooms, 1 space per bedroom for 5-10 bedrooms, and when you get to bedroom 11 it goes back to 1 space for every 2 bedrooms.

Ms. Overstreet asked what is the parking requirement for the large home in the Currituck Club.

Mr. Woody said 22 spaces.

Ms. Overstreet said in the off-road area you have weddings set-up on the beach and then people attending the wedding park on the beach, which blocks the public access from time to time. Ms. Overstreet said you need to have a difference between the mainland, Corolla, and the off-road area.

Mr. Cooper opened the public hearing.

Mr. Knoch provided a handout of his amended text amendment which includes added language, "and facility up to commercial standards inside and out." Mr. Knoch said he supports staff text amendment; he supports weddings in Corolla, and large **residential** homes. Mr. Knoch is concerned with the safety and utilization of these facilities. Mr. Knoch is not calling these homes an event home, but rather a

facility. These facilities are taking business away from the Whalehead Club. This facility is 24 bedrooms and not residential.

Ms. Long said she supports the proposed text amendment.

Mr. Cooper closed the public hearing.

Mr. Cooper recapped the text amendment, future homes that are larger than 5,000 sq. ft. the side setbacks will increase to 25 feet from 10 feet; the proportionality once you exceed 5,000 sq. ft. is 150% of all properties that touch it; in the SFR district, may only be located on lots that exceed 120,000 sq. ft. of lot area; and off-street parking. Mr. Cooper said this request does apply to the entire county and his concern is this is not a mainland issue.

The board discussed safety issues; text amendment applies to three separate areas, limiting the number of events, and enforcing off-road parking.

Ms. Overstreet said in the off road area safety is an issue, i.e. fire trucks being able to reach a home in a timely manner for a fire. Residents are concerned with the impact of septic and well water to take care of the large properties.

Mr. Cooper moved to approve PB 16-14 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development with the following conditions:

- Mainland will be exempt from text amendment.
- Corolla the text amendment will apply as written.
- Carova (Off-Road Area) the text amendment will apply as written with the condition a use permit is required of any home built over 10,000 sq. ft.

Mr. Whiteman seconded the motion and motion carried.

PB 16-14
CURRITUCK COUNTY

Amendment to the Unified Development Ordinance Chapter 4. Use Standards, Chapter 5. Development Standards, and Chapter 10 definitions and Measurements for single-family detached dwellings that exceed 5,000 square feet.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 4. Use Standards is amended by adding the following underlined language and deleting the struck-through language:

4.1.1 Use Table

TABLE 4.1.1: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan;
 CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															ADDITIONAL REQ	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
RESIDENTIAL USE CLASSIFICATION																		
Household Living	Dwelling, duplex			Z/U				Z			Z	Z			MP	MP	MP	2..
	Dwelling, live/work							Z	Z	Z	Z	Z			MP	MP	MP	2..
	Dwelling, mansion apartment							CZ			Z	Z			MP	MP	MP	2..
	Dwelling, manufactured home (class A)	Z	Z			Z	Z	Z										2..
	Dwelling, manufactured home (class B)	Z	Z			Z	Z	Z										2..
	Dwelling, multi-family							CZ			Z	Z			MP	MP	MP	2..
	Dwelling, single-family detached	Z	Z	Z	CZ	Z	Z	Z	Z	Z	Z	Z			MP	MP	MP	2..
	Dwelling, townhouse							CZ			Z	Z			MP	MP	MP	2..
	Dwelling, upper story							Z	Z	Z	Z	Z			MP	MP	MP	2..
Group Living	Dormitory							Z	Z	U	Z	Z			MP			2..
	Family care home		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			MP	MP	MP	2..
	Rooming or boarding house							Z	Z		Z	Z			MP	MP	MP	2..

4.2.2 Residential Uses

A. Household Living

....

(5) Dwellings, Multi-Family and Townhouse

Multi-family and townhouse dwellings shall comply with the multi-family design standards in Section 5.7, the community compatibility standards in Section 5.10 (as appropriate), and the following standards:

- (a) No accessory structure shall be less than ten feet from another structure.
- (b) No improved recreation area shall be located within required exterior setbacks or within 20 feet of any dwelling unit.
- (c) No individual building shall exceed a length of 250 feet.
- (d) A townhouse building shall contain at least three but no more than six side-by-side dwelling units.

(6) Dwelling, Single Family Detached

Single family detached dwellings in the SFO and SFR districts that exceed 5,000 square feet of living area shall comply with the following standards:

- (a) Side setbacks shall be a minimum of 25 feet
- (b) Storage areas for refuse containers in the SFO and SFR districts shall be screened in accordance with Section 5.2.7, Screening.
- (c) Ground-level outdoor gathering areas that exceed 1,000 square feet, including but not limited to decks, pool areas, fire pits, outdoor kitchens, and gazebos, shall be screened from abutting properties by a Type B buffer.
- (d) Total living area shall not exceed 150% of the average living area square footage of single family detached dwellings on abutting lots.
- (e) In the SFR district, may only be located on lots that exceed 120,000 square feet of lot area which excludes the following:
 - (i) Required CAMA Ocean Hazard setback and Coastal Shoreline setback;
 - (ii) CAMA designated wetlands;
 - (iii) U.S. army Corps of Engineers designated 404 wetlands.
- (f) In the SFR district, single family detached dwellings that exceed 10,000 square feet are required to obtain a Use Permit.

(7) Dwelling, Upper Story Residential

Upper story residential dwelling units shall occupy the second or higher floor of a building with a nonresidential use on the ground floor.

Item 2: That Chapter 5. Development Standards is amended by adding the following underlined language and deleting the struck-through language:

5.1.3 Off-Street Parking Standards

B. Parking Plan Required

The parking plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the development the facilities are designed to serve.

C. Minimum Number of Spaces Required

Unless otherwise expressly stated in this section or approved through an alternative parking plan, the minimum number of off-street parking spaces shall be provided in accordance with Table 5.1.3.C, Minimum Off-Street Parking Standards.

D. Maximum Number of Spaces Permitted

(1) Provision up to 175 Percent of Minimum

- (a) Commercial and Industrial uses of 5,000 square feet in area or larger listed in Table 5.1.3.C, Minimum Off-Street Parking Standards, shall not exceed 125 percent of the minimum number of parking spaces required in the table.
- (b) Through approval of an alternative parking plan in accordance with Section 5.1.6.A, Provision Over the Maximum Allowed, commercial and industrial uses may provide up to a maximum of 175 percent of the minimum number of parking spaces required in the table.
- (c) Provision of more than 175 percent of the minimum number of parking spaces for uses subject to the standards of this section shall require approval of a use permit in accordance with Section 2.4.6, Use Permit.

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS

USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES
RESIDENTIAL USE CLASSIFICATION		
Household Living	Dwelling, duplex	1.5 per DU
	Dwelling, live/work	1 per DU
	Dwelling, mansion apartment	1 per DU
	Dwelling, manufactured home (class A)	2 per DU
	Dwelling, manufactured home (class B)	2 per DU
	Dwelling, multi-family	1.8 per DU
	Dwelling, single-family detached	0.5 per bedroom for 1-4 bedrooms

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS

USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES
		1.0 per bedroom for 5-10 5+ bedrooms 0.5 per bedroom for 11+ bedrooms
	Example: an 8 bedroom single family detached dwelling requires 6 parking spaces (2 for the first 4 bedrooms; 4 for bedrooms 5-8). A 15 bedroom single family detached dwelling requires 10-13 parking spaces (2 for the first 4 bedrooms; 6 11 for bedrooms 5-10; and 2 for bedrooms 11-15).	
	Dwelling, townhouse	1.8 per DU
	Dwelling, upper story	0.5 per DU
Group Living	Dormitory	1 per every 2 resident beds
	Family care home	1 per every 3 resident beds
	Rooming or boarding house	1 + 1 per guest bedroom

5.1.4 Configuration of Vehicular Use Areas

E. General Standards for Off-Street Parking, Stacking, and Loading Areas

(1) Use of Parking Area, Stacking Area, or Loading Space

All vehicular parking areas, stacking areas, internal aisles, and loading spaces required by this section may be referred to as “vehicular use area” and shall be used only for their intended purposes. Any other use, including, but not limited to, vehicular storage, vehicle sales, vehicular repair work, vehicle service, or display of any kind, shall constitute a separate business use of the space.

(2) Identified as to Purpose and Location

Except for single-family detached and two-to-four family dwellings, off-street parking areas of three or more spaces and off-street loading spaces shall include painted lines, wheel stops, or other methods of identifying individual parking and loading spaces and loading areas and distinguishing such spaces from aisles or other vehicular use areas.

(3) Location

Off-street surface parking shall be located in accordance with any applicable design standards in Section 5.7, Multi-Family Design Standards, Section 5.8, Nonresidential Design Standards, Section 5.9, Shopping Center Design Standards, or Section 5.10, Community Compatibility Standards, as appropriate.

(4) Surfacing

(a) Except for development within the SFR district, single-family dwellings on lots of three acres in area or larger, and as provided for in Section 5.1.6.F, Alternative Materials, all off-street parking, loading, and circulation areas shall be surfaced with asphalt, concrete, brick, crushed stone, pavers, aligned

concrete strips, or an equivalent material. These materials shall be maintained in a smooth, well-graded condition.

(b) Religious institutions, overflow parking, and parking for special events may take place on grass surfaces.

(5) Arrangement

(a) Convenient Access

(i) All off-street parking, loading, and circulation areas shall be arranged for the access and safety of pedestrians and vehicles.

(ii) Except for single-family detached and two-to-four family dwellings uses requiring less than six parking spaces, off-street parking areas with three or more spaces shall be arranged so that no parking or maneuvering incidental to parking shall occur on a public street or sidewalk, and so that an automobile may be parked and un-parked without moving another automobile (except as provided in Section 5.1.6.E, Valet and Tandem Parking).

TABLE 5.1.5: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

PARKING SPACE TYPE	MINIMUM WIDTH (FEET)	MINIMUM DEPTH (FEET)	MINIMUM AISLE WIDTH (FEET) [1]	
			ONE-WAY	TWO-WAY
NON-RESIDENTIAL PARKING				
Parallel (0°)	10	22	12	20
Angled (45°)		18	14	20
Angled (60°)			16	24
Perpendicular (90°)			24	24
RESIDENTIAL PARKING				
Parallel (0°)	8	20	15 [2]	
Angled /Perpendicular		15		

[1] Parking lot aisles not adjoining parking spaces shall have a minimum width of 10 feet for one-way traffic and 20 feet for two-way traffic

[2] Drive aisles are only required for single family dwellings when 6 or more parking spaces are required

Item 3: That Chapter 10. Definitions and Measurements is amended by adding the following underlined language:

10.3.5 Bulk

F. Definitions/Measurement

(1) Building Size

Building size is the total floor area located inside exterior walls and covered by a roof.

(2) Density, Residential

The maximum number of residential dwelling units permitted per acre of land area. Density is determined by dividing the number of dwelling units by the total amount of land area within a particular lot or tract. For the purpose of determining maximum gross density, CAMA-designated wetlands shall not be included in calculating the total amount of land area.

(3) District Size

The minimum size, in acres, of a base or overlay zoning district, including streets, rights-of-way, and open space areas, but excluding unbuildable lands.

(4) Floor Area

The sum of the gross horizontal areas of the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.\

(5) Floor Area Ratio

The total floor area of all buildings or structures on a lot divided by the lot area.

(6) Living Area

The total square footage of all floor areas which includes finished space that is heated (conditioned), excluding any heated garages or accessory structures, as calculated by the Currituck County Tax Office.

Item 4: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 5: This ordinance amendment shall be in effect from and after the _____ day of _____, 2016.

Board of Commissioners' Chairman
Attest:

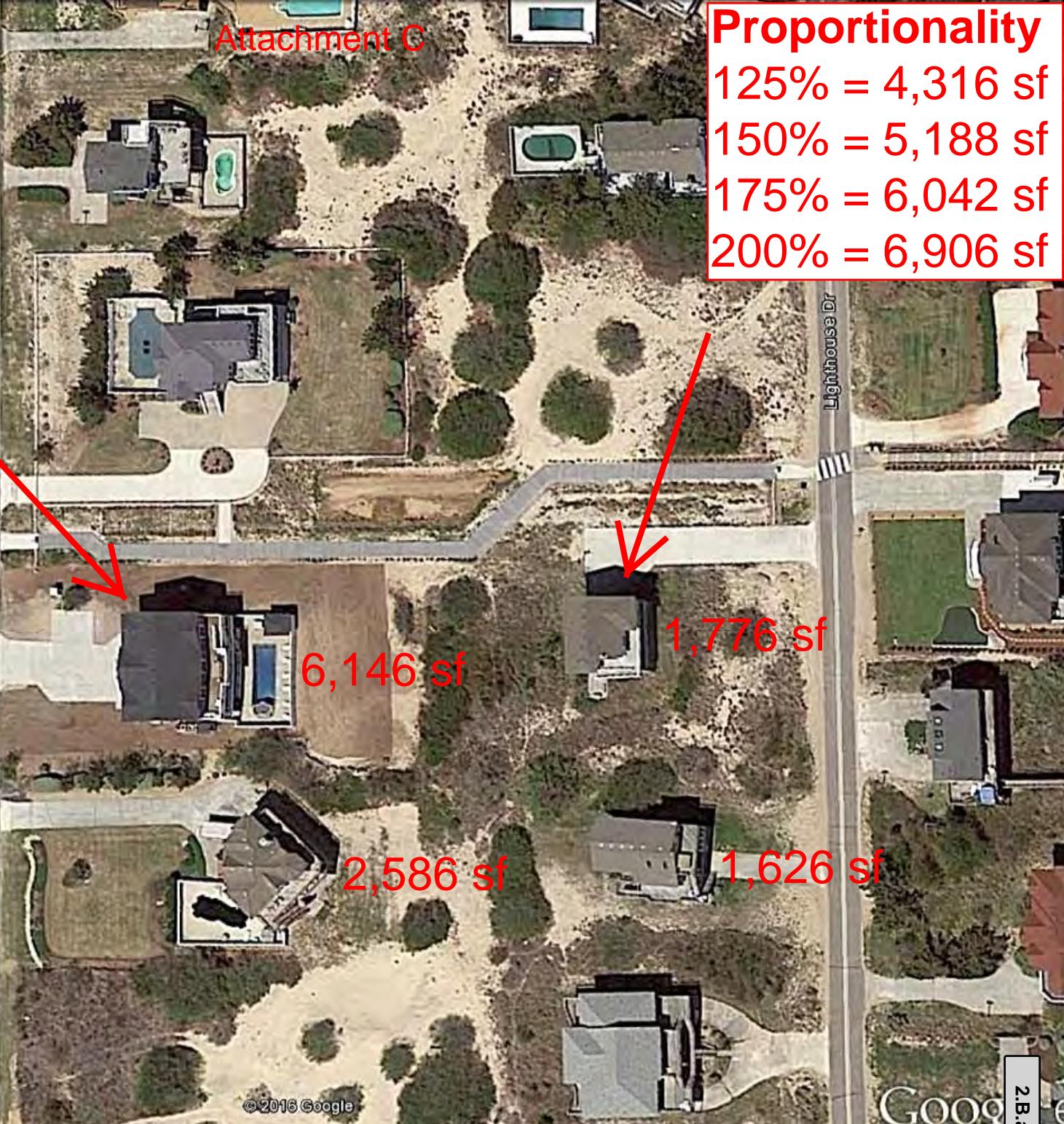
Leeann Walton
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____ AYES _____ NAYS _____
.....
PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____ AYES _____ NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Proportionality
125% = 2,495 sf
150% = 2,994 sf
175% = 3,493 sf
200% = 3,992 sf
* 5,000 sf max *

Attachment C

Proportionality
125% = 4,316 sf
150% = 5,188 sf
175% = 6,042 sf
200% = 6,906 sf



Residential Development - Corolla

Corolla Paved Road Residential Structures	Quantity
Total Residential Structures	3905
Mean # of bedrooms	5.02
Maximum # bedrooms	28 (1 house)
Mean sq. ft. all houses in paved road area	2951.72 sq. ft.
# Houses with 8 or more bedrooms	323 (8.3%)
Mean sq. ft. of 8+ bedroom houses	5252.16 sq. ft.
Avg. sq. footage of houses built 2005-2015	3810.27sq. ft.
# Houses > 4999 sq. ft.	261 (6.7%)
# Houses > 9999 sq. ft.	6 (0.15%)
Largest Lot taxed with residential structure present	14.55 ac
Mean Lot Size taxed with residential structure present	0.34 ac
Total # Subdivided Residential Purpose Lots	4,658
Vacant Subdivided Residential Purpose Lots	923

Residential Development - Off-Road Area

Off- Road Residential Structures	Quantity
Total Residential Structures	741
Mean # of bedrooms	3.95
Maximum # bedrooms	23 (1 house)
Mean sq. ft. all houses in off-road area	2239.01 sq. ft.
# Houses with 8 or more bedrooms	47 (6.3%)
Mean sq. ft. of 8+ bedroom houses	5598.77 sq. ft.
Avg. Sq. footage of houses built 2005-2015	2690.15 sq. ft.
# Houses > 4999 sq. ft.	27 (3.6%)
# Houses > 9999 sq. ft.	2 (0.27%)
Largest Lot taxed with residential structure present	12.65 ac
Mean Lot Size taxed with residential structure present	0.63 ac
Total # Subdivided Residential Purpose Lots	3155
Vacant Subdivided Residential Purpose Lots	2481



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1654)

Agenda Item Title

Public Hearing and Action: PB 16-16 E.T. Hyman Surveying (Aggregate Storage and Processing);

Brief Description of Agenda Item:

Request to amend the UDO to allow aggregate storage and processing in the Agriculture Zoning District on parcels with direct access to the railroad.

Planning Board Recommendation:

Mr. Craddock moved to approve PB 16-16 due to its consistency with Policy ED1: New and expanding industries and businesses and Policy ML4: Traffic function of the NC168/US 158 Corridor, it is consistent with the goals, objectives, policies of the Land Use Plan by promoting new businesses that diversify the economy, utilize the existing train system in the county with the following recommendation:

- Change 4.3.3 B (4) to say, “The use maintains a 1000 foot setback from a residential dwelling.”
- Remove 4.3.3 B (8) “The scale of concrete production does not exceed that which is typical of residential and nonresidential construction.”
- Add “Type D buffer required regardless of adjoining zoning district except Heavy Industrial (HI).

Mr. Bell seconded the motion and motion carried unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Jason Litteral,

Presenter of Agenda Item

Ben Woody



Currituck County

Planning and Community Development Department
Planning and Zoning Division
 153 Courthouse Road, Suite 110
 Currituck, North Carolina 27929
 252-232-3055 FAX 252-232-3026

To: Board of Commissioners
 From: Planning Staff
 Date: September 21, 2016
 Subject: PB 16-16 E.T. Hyman Surveying

The enclosed text amendment submitted by E.T. Hyman Surveying proposes to allow outdoor storage of aggregate materials for properties in the Agriculture Zoning District (AG) with direct access to the railroad. This would be permitted as an accessory to an approved principle use in the AG district. The amendment will allow the production of concrete from materials extracted from or stored on the site, or from materials that have been delivered by rail. The proposed amendment includes standards that will address property size, location, and access along with buffering of the proposed use.

The 2006 Land Use Plan Policy statements that are relevant to the request are as follows:

POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

POLICY ML4: Currituck County recognizes that the appearance and traffic moving function of the NC 168/ US 158 CORRIDOR is of exceptional importance to both the near term quality of life and long-term economic prospects for residents and property owners in the Mainland Area. The Transportation and Community Appearance policy sections of this plan shall be implemented to give priority to this issue.

Recommendation:

Planning staff recommends **approval** of the text amendment with the proposed modifications because it is consistent with the goals, objectives, and policies of the Land Use Plan by promoting new businesses that diversify the economy, and that train and utilize a more highly skilled labor force. The proposed amendment provides opportunities to reduce heavy truck traffic on the 158/168 corridor by allowing aggregate material to be delivered via rail, and by providing more localized production and delivery of finished products. It is reasonable and in

PB 16-16 E.T. Hyman Surveying (Aggregate Storage and Processing)

Text Amendment

Page 1 of 6

the public interest because it moves toward a goal of increased utilization of the existing rail system, thereby reducing the burden on major roadways, and provides opportunities for economic development.

Mr. Craddock moved to approve PB 16-16 due to its consistency with Policy ED1: New and expanding industries and businesses and Policy ML4: Traffic function of the NC168/US 158 Corridor, it is consistent with the goals, objectives, policies of the Land Use Plan by promoting new businesses that diversify the economy, utilize the existing train system in the county with the following recommendation:

- Change 4.3.3 B (4) to say, "The use maintains a 1000 foot setback from a residential dwelling."
- Remove 4.3.3 B (8) "The scale of concrete production does not exceed that which is typical of residential and nonresidential construction."
- Add "Type D buffer required regardless of adjoining zoning district except Heavy Industrial (HI).

Mr. Bell seconded the motion and motion carried unanimously.

Planning Board Discussion (9/13/16)

Ms. Overstreet asked if the railroad goes from Moyock to Elizabeth City.

Mr. Litteral said no.

Chairman Cooper opened the public hearing.

Mr. Hyman stated he had several clients that would benefit from using the railroad instead of trucks to haul aggregate materials. It would also benefit the area farmers since they can haul grain one way and could haul stone back to their property to sell at a later date.

Chairman Cooper closed the public hearing.

The planning board discussed the requirements for a setback from residential uses, mining setback, buffering, processing aggregate material (what is allowed and not), noise, smell, and pollution (if any), storing of small fuel tanks on property, scale of concrete production, and hours of operation.

The board members discussed the location of the railroad from Moyock to Shawboro and how a track spur would be needed by customers to utilize the railroad. The track spur is a short track beside the main track to allow customers to load and unload rail cars.

Mr. Craddock asked about the type of stone to be moved and if fuel would be stored on site.

Mr. Hyman said any kind of aggregate would be moved and some fuel would be stored onsite.

Mr. Litteral said "Type D buffer required regardless of adjoining zoning district except Heavy Industrial," from Mr. Hyman's list had inadvertently left off the staff report.

Mr. Craddock moved to approve PB 16-16 due to its consistency with Policy ED1: New and expanding industries and businesses and Policy ML4: Traffic function of the NC168/US 158 Corridor, it is consistent with the goals, objectives, policies of the Land Use Plan by promoting new businesses that diversify the economy, utilize the existing train system in the county with the following recommendation:

- Change 4.3.3 B (4) to say, "The use maintains a 1000 foot setback from a residential dwelling."
- Remove 4.3.3 B (8) "The scale of concrete production does not exceed that which is typical of residential and nonresidential construction."
- Add "Type D buffer required regardless of adjoining zoning district except Heavy Industrial (HI)."

Mr. Bell seconded the motion and motion carried unanimously.

PB 16-16
E.T. Hyman Surveying

Amendment to the Unified Development Ordinance Chapter 4 Use Standards.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 4. Use Standards is amended by adding the following underlined language. The addition of an accessory use will require renumbering of the Additional Requirements column of the Table of Common Accessory Uses, and correction of effected cross-references.

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES

P = Permitted by-right Z= Zoning Compliance Permit U = Use Permit MP = Allowed with master plan blank cell = Prohibited

ACCESSORY USE TYPE	ZONING DISTRICT																ADDITIONAL REQ. (4.3.____)
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	PD-O	
Accessory Dwelling Unit	Z	Z	Z	Z	Z	Z	Z	Z	Z	P	P			MP	MP	MP	3.A
Aggregate Storage and Processing	Z																3.B

Item 2: That Chapter 4. Use Standards is amended by adding the following underlined language. The addition of an accessory use will require renumbering of section 4.3.3 Specific Standards for Certain Accessory Uses, and correction of effected cross-references.

4.3.3. Specific Standards for Certain Accessory Uses

B.

Aggregate Storage and Processing

Storage of aggregate materials and production of concrete may be permitted as an accessory use, provided:

- (1) The use is located on a parcel greater than 20 acres.
- (2) The property maintains direct access to the rail system.
- (3) The property maintains access to a major arterial street without using local or collector streets that traverse residential neighborhoods.

(4) The use maintains a 1000 foot setback from residential uses (structures)-The setback may be reduced by 50 percent where existing, preserved vegetation meets the standards for Type D buffer in Section 5.2.6.
The applicant proposed, and the planning board agreed, that the 1000 foot setback would be measured to a house instead of a property line.

(5) The use maintains a 100 foot setback from all property lines. The setback may be reduced by 50 percent where existing, preserved vegetation meets the standards for Type D buffer in Section 5.2.6.

(6) Outdoor storage shall be screened in accordance with section 5.2.7 Screening

(7) The use may include outdoor storage of aggregates and the production of concrete provided:

- (a) The use does not include processing of aggregates not produced on site (i.e. drying of cement or refining petroleum based products). Sifting or filtering of sand is permitted.
- (b) A portion of the aggregate used in concrete production is produced on site.

(8) The scale of concrete production does not exceed that which is typical of residential and nonresidential construction.
This language was intended to limit the scale of concrete production to that which is typical of building structures as opposed to infrastructure such as roads and bridges. The planning board recommended removal of this condition since it is somewhat confusing and hard to quantify. It was decided the requirement to be an accessory use, and therefore subordinate and incidental to the principle use, would suffice.

(9) The use may include storage of pre-casted concrete products typical of residential or nonresidential construction.

(10) A Type D buffer is required along all property lines regardless of the adjoining zoning district, except where the use abuts Heavy Industrial.
Planning staff asked that this language be added since it was inadvertently omitted from the staff report. The planning board agreed.

Item 3: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 2016.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____ AYES _____ NAYS _____
.....

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____ AYES _____ NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1680)

Agenda Item Title

Discharge of Firearms Ordinance Discussion-Distance, Noise and Locations

Brief Description of Agenda Item:

Amendments to the county ordinance regulating the discharge of firearms were considered at the August 1, 2016, Board of Commissioners meeting. At that time, Commissioners asked staff to provide additional data for further discussion, primarily related to distance requirements and noise decibel levels. Attached for your information is a copy of the ordinance previously adopted, subject to this presentation.

Board Action Requested

Discussion

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Daniel F. Scanlon

1 **AN ORDINANCE AMENDING SECTION 9-1 OF THE CURRITUCK COUNTY CODE**
 2 **OF ORDINANCES REGARDING THE DISCHARGE OF FIREARMS AND SECTION**
 3 **1-8 OF THE CURRITUCK COUNTY CODE OF ORDINANCES PROVIDING THAT A**
 4 **VIOLATOR MAY BE ISSUED A CIVIL CITATION**

5
 6 WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define,
 7 regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or
 8 welfare of its citizens; and

9
 10 WHEREAS, pursuant to N.C. Gen. Stat. §153A-129 a county may regulate the discharge
 11 of firearms at any time or place except when used to take birds or animals, when used in the
 12 defense of persons or property, or when used pursuant to the lawful directions of law
 13 enforcement officers.

14
 15 NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the
 16 County of Currituck as follows:

17
 18 **Part I. Section 9-1. Discharge of firearms prohibited.** of the Currituck County Code of
 19 Ordinances is amended to read as follows:

20 Sec. 9-1. - Discharge of firearms prohibited.

21 (a) Near residences. It is unlawful for any person to discharge a rifle, shotgun, handgun
 22 or any firearm within 100 yards of any regularly occupied residence not owned by them without
 23 written permission consent of the regular occupant and owner of such residence which the person
 24 shall carry at all times relevant to this section.

25
 26 (b) On or across roadways. It is unlawful for any person to discharge a rifle, handgun,
 27 shotgun or any firearm on or across any public road, highway, or public vehicular area.

28
 29 (c) Firing near school. It shall be is unlawful to discharge a center fire rifle within one-
 30 half mile of any school unless such discharge occurs with at least 200 yards of woodlands or
 31 forest intervening between such discharge and the school.

32 (d) Firing at targets. It shall be is unlawful for any person to discharge any a rifle,
 33 handgun, shotgun or other firearm into any a target which has a substantial backdrop within 100
 34 yards of any subdivision unless (i) the point of discharging the rifle, handgun, shotgun or other
 35 firearm and the target are located 300 yards or more from a regularly occupied residence; (ii) a
 36 backstop is located behind the target sufficient to stop all projectiles shot from the firing line to
 37 the target; and (iii) the person discharging the rifle, handgun, shotgun or other firearm into the
 38 target has on their person written consent for the activity from all persons who are the regular
 39 occupant of the residence and from the owner of the residence if a different person or persons
 40 from the regular occupant of the residence located within 300 yards of a firing line and target.
 41 that with or without permission. However, it shall be lawful to discharge any rifle, handgun,
 42 shotgun or other firearm into any target which has a substantial backdrop, so long as said
 43 discharge is 300 yards away from any regularly occupied residence, except by permission of the
 44 regular occupant and owner of such residence.

45 A person that was discharging firearms into targets on their property before April 16, 2007 is
 46 permitted to continue to discharge a firearm into targets on their property even if doing so at a
 47 later date does not conform to this section or amendment to this section, provided that there has
 48 been no substantial change in use of the person's property and the person documents the
 49 discharge of firearms into targets on their property before April 16, 2007.

50
 51 (e) Firing when not in woodlands. When firing a center fire rifle into any area of
 52 Currituck County not forested or woodlands or without a backstop that keeps projectiles from
 53 leaving the property on which the center fire rifle is fired, it shall be unlawful for any person to
 54 discharge or fire said rifle unless the level of the rifle be at least ten feet off the ground, or in a
 55 stand which is at least eight feet high, or when standing on the top of a dog box situate in the bed
 56 of a truck when said dog box is at least two feet in height.

57
 58 (f) Forest or woodlands. For purposes of this section forest or woodlands is defined as a
 59 large and thick collection of growing trees, preserving some or all of its primitive wildness and
 60 usually having game or wild animals in it.

61 (g) Impairing substances. It shall be is unlawful to discharge any rifle, handgun, shotgun
 62 or any other firearm while under the influence of any impairing substance.

63
 64 (h) Exception. This section shall not apply to the following: the use of firearms in
defense of persons or property or the use of firearms by law enforcement officers in the
performance of their duties, or in an indoor firing range.

65
 66 (1) the use of firearms in the defense of persons or property;
 67
 68 (2) the use of firearms by law enforcement officers in the performance of their
 69 duties;
 70
 71 (3) the use of firearms in an indoor firing range;
 72
 73 (4) the use of a firearm for the purpose of shooting or killing any dangerous
 74 animal or reptile;
 75
 76 (5) the use of a firearm to take birds or animals pursuant to Chapter 113,
Subchapter IV, of the General Statutes of North Carolina;
 77
 78 (6) the use of a firearm not involving the release of projectiles at a historical or
ceremonial function; or
 79
 80 (7) the use of a firearm at school sanctioned instructional or recreational
activities intended to further the use safe firearms practices.
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82 **PART II. Section 1-8(i)(3)** is amended to read as follows:

83 (3) Chapter 9, section 9-1, section 9-4, section 9-7, section 9-33;

84 **PART II. Severability.** Should any section or provision of this ordinance be declared invalid or
85 unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of
86 the ordinance as a whole or any part thereof other than the part declared to be invalid or
87 unconstitutional.

88 **PART III. Effective date.** This ordinance shall be effective immediately upon its adoption.

89
90 ADOPTED the _____ day of August, 2016.
91
92

93 David L. Griggs, Chairman
94

95 ATTEST:
96

97 Leeann Walton
98 Clerk to the Board
99

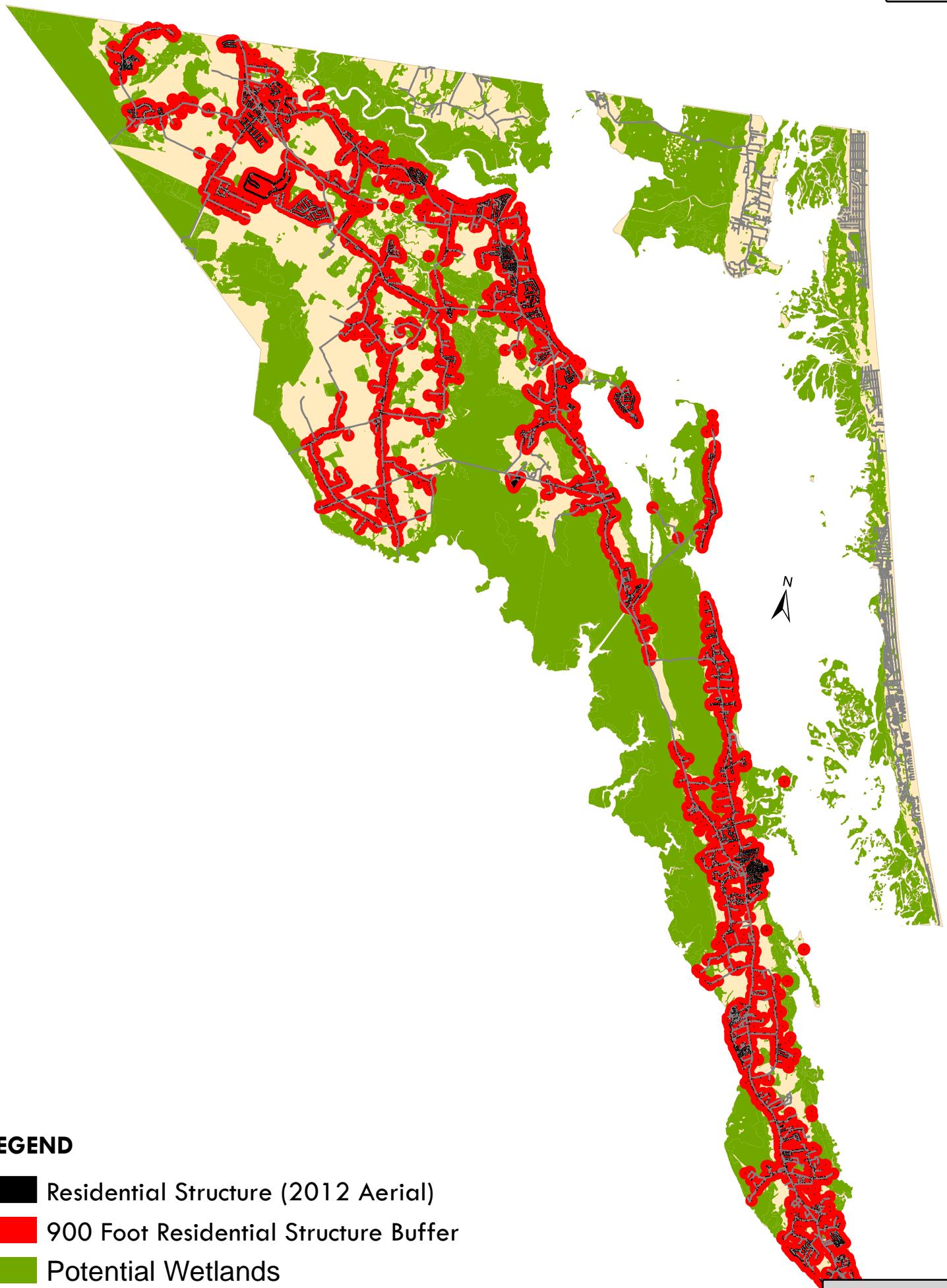
100 APPROVED AS TO FORM:
101

102 Donald I. McRee, Jr.
103 County Attorney
104

105 Date adopted: _____
106

107 Motion to adopt by Commissioner _____
108 Second by Commissioner _____
109

110 Vote: _____ AYES _____ NAYS



Attachment: 900 Foot Buffer Map With Wetlands (1680 : Discharge of Firearms Ordinance Discussion)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1677)

Agenda Item Title

Consideration of Resolution Authorizing the County's Disposition of 95.61 Acres of Property on Knotts Island Known as a Portion of the Flyway Tract By Conveyance to the United States of America in Exchange for 719.65 Acres of Property Owned by the United States of America on the Currituck Outer Banks, Pursuant to N.C. Gen. Stat. §160A-279

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Donald (Ike) I. McRee Jr

**RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK
COUNTY, NORTH CAROLINA AUTHORIZING CONVEYANCE OF 95.61
ACRES OF LAND TO BE ACQUIRED BY THE COUNTY IN KNOTTS ISLAND
KNOWN AS THE “FLYWAY TRACT” TO THE UNITED STATES OF
AMERICA IN EXCHANGE FOR 719.95 ACRES OF LAND OWNED BY THE
UNITED STATES OF AMERICA ON THE CURRITUCK OUTER BANKS**

WHEREAS, pursuant to a contract between the United States of America, The Conservation Fund, a nonprofit corporation, and Currituck County, the county will acquire a 95.61 acre tract of land located on Knotts Island the north side of Moyock more particularly described as “Parcel A” and “Parcel C” “Exempt Subdivision Plat for: The Conservation Fund, Ogden Reid Property (Flyway Farm)” recorded in Plat Cabinet O, Slide 113 of the Currituck County Registry; and

WHEREAS, the United States of America owns 719.95 acres of land located on the Currituck County Outer Banks, as more particularly described in deeds recorded in Deed Book 197, Page 327; Deed Book 200, Page 831; Deed Book 241, Page 323; and Deed Book 1112, Page 279 of the Currituck County Registry; and

WHEREAS, N.C. Gen. Stat. §160A-279 authorizes a county to convey real property by private sale, with or without consideration, to an entity the county is authorized by law to appropriate money to and the United States of America is such an entity; and

WHEREAS, the United States of America will use the property conveyed to it by the county for public recreation and the enhancement and protection of wildlife within the county and

WHEREAS, Currituck County has given the required public notice and the Board of Commissioners is considering this resolution while convened in a regular meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County, North Carolina that:

Section 1. The Chairman of the Board of Commissioners and County Manager are authorized to execute all documents necessary to convey fee simple title to a 95.61 acre tract of land located on Knotts Island the north side of Moyock more particularly described as “Parcel A” and “Parcel C” “Exempt Subdivision Plat for: The Conservation Fund, Ogden Reid Property (Flyway Farm)” recorded in Plat Cabinet O, Slide 113 of the Currituck County Registry.

Section 2. The consideration for the conveyance is the use of the property by the United States of America for public recreation and the enhancement and protection of wildlife and the conveyance of 719.95 acres of land located on the Currituck County Outer Banks, as more particularly described in deeds recorded in Deed Book 197, Page 327; Deed Book 200, Page 831; Deed Book 241, Page 323; and Deed Book 1112, Page 279 of the Currituck County Registry.

Section 3. The Clerk to the Board of Commissioners shall publish a notice summarizing the contents of this resolution, and the property may be conveyed at any time after 10 days from the date the notice is published.

Section 4. This resolution shall take effect upon its adoption.

ADOPTED the 3rd day of October, 2016.

David L. Griggs, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board

(COUNTY SEAL)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1696)

Agenda Item Title

Historic Boat and Building Advisory-Amended Item Added to Agenda

Brief Description of Agenda Item:

Planning Board Recommendation:

Item was added to agenda during the BOC meeting of Oct. 3, 2016. An appointment was ready to be made to this board filling the last vacancy.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

HISTORIC BOAT AND BUILDING ADVISORY BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Mike Doxey			(Consensus)	6/20/2016	TBD
Travis Morris			(Consensus)	6/20/2016	TBD
Penny Leary-Smith			(Consensus)	6/20/2016	TBD
Carl Ross			(Consensus)	6/20/2016	TBD
Jerry Wright			(Consensus)	7/18/2016	TBD
Wilson Snowden			(Consensus)	8/1/2016	TBD
<i>Vacant</i>			<i>(Consensus)</i>		
Tameron Kugler			(Consensus)	6/20/2016	TBD
David Griggs			BOC Member		

One remaining consensus appointment is needed



**CURRITUCK COUNTY
NORTH CAROLINA**

September 19, 2016
Minutes – Regular Meeting of the Board of Commissioners

6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners held its September 19, 2016, regular meeting at 6:00 PM in the Historic Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
David L. Griggs	Board Chairman	Present	
S. Paul O'Neal	Commissioner	Present	
Paul M. Beaumont	Commissioner	Present	
Marion Gilbert	Commissioner	Present	
Mike D. Hall	Commissioner	Present	
Mike H. Payment	Commissioner	Present	
O. Vance Aydlett	Vice Chairman	Absent	

Chairman Griggs called the meeting to order.

A) Invocation & Pledge of Allegiance-Reverend Ronnie Culley, Christian Home Baptist

Reverend Ronnie Culley of Christian Home Baptist gave the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Chairman Griggs amended the agenda. The order of items under Public Hearings was changed, with Item B-Glenmoor Ridge being swapped with Item C-Waterleigh.

The three Board Appointment items were also removed from the agenda.

Commissioner Gilbert moved to approve as amended. The motion was seconded by Commissioner Hall and passed 6-0.

Chairman Griggs acknowledged the absence of Vice-Chairman Aydlett, who was out of town.

Approved agenda:

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance-Reverend Ronnie Culley, Christian Home Baptist

B) Approval of Agenda

Administrative Reports

A) Cameron Lowe, Director, NCSU Cooperative Extension - Recognition of 4-H Award Winners

Public Hearings

A) **Public Hearing and Action: PB 90-07 Pine Island, Phase 1**

Commercial: Request to amend the sketch plan/use permit commercial allocation located on Ocean Trail and Old Stoney Road, Tax Map 127, Parcel 3M, Poplar Branch OBX Township.

B) **Public Hearing and Action: PB 16-12 Glenmoor Ridge:**

Request for a preliminary plat/use permit for a 48 lot conservation subdivision located on the south side of Tulls Creek Road, Tax Map 22, Parcel 78A, Moyock Township.

Amended-Swapped with Waterleigh PB 16-11, to be heard as item C

C) **Public Hearing and Action: PB 16-11 Waterleigh:** Request for a preliminary plat/use permit for a 275 lot conservation

subdivision located off Tulls Creek Road, Tax Map 14, Parcel 39 and Tax Map 21, Parcel 12C, Moyock Township.

Amended-Swapped with Glenmoor Ridge PB 16-12, to be heard as Item B

New Business

A) **Board Appointments** *Amended-all items under Board Appointments removed from agenda*

1. ABC Board
2. Economic Development Advisory
3. Historic Preservation Commission

B) **Consent Agenda**

1. Approval Of Minutes-Aug. 15, 2016 and Special Meeting Aug. 24, 2016
2. Budget Amendments
3. Vehicle Surplus Resolution
4. Master Fee Schedule-Revision

5. Lottery Funds Requested by the Currituck Board of Education
6. Records Disposal-Finance Department
7. Records Disposal-Human Resources

C) Commissioner's Report

D) County Manager's Report

Public Comment

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.

Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marion Gilbert, Commissioner
SECONDER:	Mike D. Hall, Commissioner
AYES:	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

ADMINISTRATIVE REPORTS

A. Cameron Lowe, Director, NCSU Cooperative Extension - Recognition of 4-H Award Winners

Cameron Lowe, Currituck County Extension Director, spoke to Commissioners about the 4-H programs offered to Currituck County youth. Ms. Lowe recognized Currituck County program participants and announced award winners, some of whom advanced to state level competition. Programs focus on agriculture, food and nutrition, youth leadership, public speaking, and STEM (Science, Technology, Engineering and Math) disciplines. Ms. Lowe thanked parents and volunteers for their work and investment in 4-H.

Tucker Melton, 4-H council president, described his summer participation in 4-H, relaying project information and awards. He discussed ideas he wished to promote locally, such as developing 4-H after school programs and establishing an archery area. Referencing a recent opportunity to discuss his ideas with Commissioner O'Neal, the Commissioner praised Mr. Melton's proposals and asked that he create a document for distribution to the Board of Commissioners and the Board of Education.

Ms. Lowe responded to questions from the Board, after which Commissioners commended the participants and Ms. Lowe for their extraordinary work.

PUBLIC HEARINGS

A. Public Hearing and Action: PB 90-07 Pine Island, Phase 1 Commercial:

Parties were sworn and Ben Woody, Planning and Community Development Director, reviewed the application with the Board. Chairman Griggs opened the Public Hearing. Mr. Woody confirmed staff's recommendation for approval and noted the use permit review standards. He highlighted the location of the property and noted documented permission would be required to access from Old Stoney Road, as it is a private road.

STAFF REPORT
P B 90-07 PINE ISLAND PUD
BOARD OF COMMISSIONERS
SEPTEMBER 19, 2016

APPLICATION SUMMARY

Property Owner:

Turnpike Properties, LLC
1100C S. Stratford Road, Suite 300
Winston Salem, NC 27103

Applicant:

Same

Case Number: PB 90-07

Parcel Identification Number: 0127-000-003M-0000
2006 Land Use Plan Classification: Full Service
Number of Units: 340 units
Required Open Space: 128.18 acres (35%)

Application Type: Amended Sketch
Plan/Use Permit

Existing Use: Planned Unit Development
Parcel Size (Acres): 366.22 acres
Project Density: 1.02 units per acre
Provided Open Space: 137.6 acres
(37.57%)

SURROUNDING PARCELS

NORTH	RESIDENTIAL/COMMERCIAL (CURRITUCK CLUB PUD) SFO-PUD OVERLAY	
SOUTH	DARE COUNTY	N/A
EAST	ATLANTIC OCEAN	N/A
WEST	UNDEVELOPMENT	SFO

STAFF ANALYSIS

PB 90-07 Pine Island, PUD, amended sketch plan/use permit to establish an additional 4.5 acres of commercial allocation north of the fire station on the west side of NC 12. The proposed commercial allocation is adjacent to the 3.35 acres of commercial allocation approved by the BOC on June 2, 2014, and combined with the existing Ocean Club Shopping Center increases the total area of the commercial node to 15.8 acres. The county has historically encouraged the clustering of commercial development adjacent to major roadways to minimize strip development and limit encroachment into existing residential areas. This proposal is consistent with this policy direction.

The sketch plan/use permit amendment establishes the commercial designation of the subject property; however, it does not permit any particular use. Individual development plans will require site plan or use permit approval, depending on the proposed use. In addition to meeting the minimum requirements of the UDO, the county will require that future development is consistent with the site development policies in the 2006 Land Use Plan.

INFRASTRUCTURE

WATER

SOUTHERN OUTER BANKS WATER SYSTEM (SOBWS)

SEWER

PINE ISLAND CURRITUCK, LLC (PICLLC) WASTEWATER

COMPATIBILITY

THE USE IS COMPATIBLE WITH THE 2006 LAND USE PLAN.

RECOMMENDATIONS**TECHNICAL REVIEW COMMITTEE**

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS APPROVAL OF THE AMENDED SKETCH PLAN/USE PERMIT SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

1. The application complies with all applicable review standards of the UDO.
2. A USE PERMIT SHALL BE APPROVED ON A FINDING THAT THE APPLICANT DEMONSTRATES THE PROPOSED USE WILL MEET THE BELOW REQUIREMENTS. IT IS STAFF'S OPINION THAT THE EVIDENCE IN THE RECORD, PREPARED IN ABSENCE OF TESTIMONY PRESENTED AT A PUBLIC HEARING, SUPPORTS THE PRELIMINARY FINDINGS.

USE PERMIT REVIEW STANDARDS

The use will not endanger the public health or safety.

PRELIMINARY APPLICANT FINDING:

1. THE PROPOSED USE WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH OR SAFETY AND CONFORMS TO ADJACENT LAND USES. APPROPRIATE CONSIDERATION TO THESE COMPONENTS WILL BE GIVEN DURING THE SITE PLAN DESIGN. THE PROPOSED COMMERCIAL DEVELOPMENT IS INTENDED TO BE SERVED VIA THE EXISTING ROADWAY AND ADJACENT UTILITIES.

The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

PRELIMINARY APPLICANT FINDINGS:

1. THE PROPOSED USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTIES AND WILL COMPLIMENT THE ADJOINING EXISTING USES. THE COMMERCIAL USE WILL BLEND WELL BETWEEN THE CURRITUCK CLUB COMMERCIAL AND MUNICIPAL SERVICES TO THE SOUTH.

The use will be in conformity with the Land Use Plan or other officially adopted plans.

PRELIMINARY STAFF FINDINGS:

1. The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

POLICY OB2: So as to minimize COMMERCIAL STRIP DEVELOPMENT and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC 12.

The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

PRELIMINARY STAFF FINDINGS:

1. THE PROPOSED USE WILL NOT EXCEED THE COUNTY'S ABILITY TO PROVIDE ADEQUATE PUBLIC FACILITIES. UTILITY SERVICES ARE PROPOSED FOR THE SITE, WASTEWATER CAPACITY IS AVAILABLE, AND ON-SITE STORMWATER MANAGEMENT SHALL BE REQUIRED TO ADDRESS ADDITIONAL RUN-OFF.



Tom Nash, attorney for the applicant Turnpike Properties, LLC, said the request is to add 4.5 acres to the commercial allocation as presented by Mr. Woody. Mr. Nash said the findings of fact have been met and he confirmed they would not be requesting access from Old Stoney Road at this time. Quible and Associates Engineer, Michael Strader, agreed the findings of fact had been met and restated access would be attained from NC Highway 12.

Commissioner O'Neal asked if the public raised any objections or concerns. Mr. Woody said some raised questions regarding access and type of use, but there have been no direct comments since the community meeting. Mr. Woody said any proposed uses would have to meet the standards in the Unified Development Ordinance (UDO).

Chairman Griggs closed the public hearing.

Commissioner Payment moved to approve PB 90-07 with staff recommendations and that the use will not endanger the public health and safety as it conforms with all the adjacent land users currently; will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located, it will blend well between The Currituck Club and municipal services to the south; the use will be in conformity with land use plan and other official adopted plans and will conform to the current General Business (GB) zoning requirements; and the use will not exceed the county's ability to provide adequate public facilities-there are current wastewater capacities available and the stormwater management shall be required; in addition, ensure that Old Stoney Road access is addressed prior to moving forward.

Chairman Griggs seconded and the motion passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVED:	Mike H. Payment, Commissioner
SECONDER:	David L. Griggs, Board Chairman
AYES:	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

B. Public Hearing and Action: PB 16-11 Waterleigh:

Parties were sworn and Mr. Woody reviewed the application with the Board. Mr. Woody said staff recommends approval and reviewed the suggested conditions.

Staff Report
 PB 16-11 WINDSWEPT PINES
 Board OF COMMISSIONERS
 MAY 2, 2016

APPLICATION SUMMARY

Property Owner:
 Haywood E. Ward
 Cynthia J. Ward
 7950 Hwy 78, Lot 46
 Okeechobee, FL 34974

Applicant:

Allied Properties, LLC
 PO Box 743
 Moyock, NC 27958

Case Number: PB 16-11

Application Type: Major Subdivision, Preliminary Plat/Use Permit (Type II)

Parcel Identification Number:

0014-000-0039-0000
 0021-000-012C-0000

Existing Use:

Undeveloped

Land Use Plan Classification: Rural

Moyock Small Area Plan: Limited Service

Parcel Size (Acres): 275.53 acres (total)

Number of Units: 275 residential lots

Project Density: 1.0 units/acre

Required Open Space: 110.21 acres (40%)

Provided Open Space: 120.82 acres (43%)

SURROUNDING PARCELS

Land Use	Zoning	
North	Residential	AG and SFM
South	Farmland	AG
East	Undeveloped/Residential	AG and SFM
West	Undeveloped/Residential	AG and SFM

STAFF ANALYSIS

- In 2008, the Board of Commissioners approved a 688 lot planned unit development on 471 acres at a density of 1.47 units per acre and included this parcel. The use permit for the development expired and the properties that were once part of the Currituck Reserve development are now proposed as three separate developments.
- The Board of Commissioners approved a rezoning to remove the PUD overlay on May 16, 2016.
- The three developments will collectively share drainage infrastructure by establishing easements. The applicants submitted an outline of an agreement to manage the stormwater between the three subdivisions that address the management of the stormwater infrastructure and access for the three properties.
- The applicant is requesting preliminary plat/use permit approval of a 275 lot conservation subdivision.
- The recreation and park area dedication for the proposed development is 7.01 acres. Collectively, the proposed developments (Currituck Reserve, Waterleigh, and Glenmoor), if approved, will contain 426 lots. Once developed, there will be a need for recreation and park area in the nearby area. The Moyock Library is located at the Campus Drive entrance and, the developers of the proposed Currituck Reserve offered 1.84 acres of recreation and park area adjacent to the Moyock Library property. An eight foot sidewalk will connect the library property and the offer shown for Waterleigh. The developer is providing 3.4 acres of recreation and park area with the remaining required area to be a payment in lieu of dedication. A decision on the recreation and park area dedication is currently under TRC review to determine if the recreation and park area offer is adequate or, if the recreation needs of the subdivision can be better met by acquisition or development of recreation area outside of the proposed subdivision by accepting a payment in lieu of dedication.
- The preliminary plat identifies three neighborhood park/recreational areas and potential cultivated open space in between some lots.
- The proposed phasing plan for the development is as follows (may not be developed in numerical order):
 - Model Homes (must be part of a phase) 3 lots
 - Phase 1 41 lots
 - Phase 2 48 lots
 - Phase 3 42 lots
 - Phase 4 47 lots
 - Phase 5 53 lots
 - Phase 6 41 lots
- The proposed minimum lot size is 20,000 square feet and the minimum lot width is 90 feet.

INFRASTRUCTURE

WATER	PUBLIC
SEWER	ON-SITE SEPTIC
TRANSPORTATION	PEDESTRIAN: 4' WIDE SIDEWALKS SHALL BE INSTALLED ALONG BOTH SIDES OF THE STREETS. AN 8' WIDE SIDEWALK SHALL CONNECT TO THE CURRITUCK RESERVE DEVELOPMENT ON NORTH SIDE OF CAMPUS DRIVE. AN 8' WIDE SIDEWALK SHALL BE LOCATED ON ONE SIDE OF THE ENTRANCE ROAD (WATERLEIGH WAY) AND TRANSITION TO FOUR FEET THROUGHOUT THE DEVELOPMENT
	STREETS: A DECELERATION LANE AND LEFT TURN LANE SHALL BE REQUIRED ON TULLS CREEK ROAD. CURB AND GUTTER STREETS WILL BE DESIGNED AND CONSTRUCTED TO NCDOT STANDARDS
STORMWATER/DRAINAGE	AN AGREEMENT BETWEEN AH CURRITUCK RESERVE AND ALLIED PROPERTIES IS PROPOSED TO MANAGE STORMWATER
SCHOOLS	ELEMENTARY STUDENTS GENERATED: 68 STUDENTS (159) MIDDLE SCHOOL STUDENTS GENERATED: 22 STUDENTS (252) HIGH SCHOOL STUDENTS GENERATED: 38 STUDENTS (89)
RECREATION AND PARK AREA DEDICATION	7.01 ACRES REQUIRED

3.4 ACRES PROPOSED WITH BALANCE AS A PAYMENT IN LIEU OF DEDICATION
 THE APPLICANT PROPOSES TWO SUBDIVISION DESIGNS TO SHOW THE ALTERNATE DEDICATION
 RIPARIAN BUFFERS 50' RIPARIAN BUFFER IS REQUIRED ADJACENT TO ALL 404
 JURISDICTIONAL WETLANDS
 DESIGN STANDARDS NO DESIGN STANDARDS ARE PROPOSED FOR THE RESIDENTIAL
 CONSTRUCTION
 STREET LIGHTING NO STREET LIGHTING IS PROPOSED FOR THE DEVELOPMENT
 LANDSCAPING STREET TREES ARE REQUIRED
 FARMLAND BUFFER IS REQUIRED ALONG PROPERTY LINES

RECOMMENDATIONS

Technical Review Committee

1. THE TECHNICAL REVIEW COMMITTEE RECOMMENDS ADOPTION OF THE USE PERMIT AND APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:
 - A. US ARMY CORPS OF ENGINEERS DESIGNATED 404 WETLANDS SHALL BE PRESERVED FOR CONSERVATION AND SHALL NOT BE USED FOR STORMWATER MANAGEMENT SYSTEMS. HOWEVER, STORMWATER MAY BE COLLECTED IN THE DEVELOPMENT AND ALLOWED TO NATURALLY DRAIN TO THE WETLANDS AND PROVIDE CAPACITY. HOWEVER, A DEFINED STORMWATER IMPOUNDMENT AREA SHOULD NOT BE IDENTIFIED ON THE PLAT SINCE THIS AREA IS CONSERVATION.
 - B. A 50' FARMLAND BUFFER IS REQUIRED WHERE THE PROPERTY ADJOINS ACTIVE AGRICULTURAL AREAS (LOCATED IN THE 50' RIPARIAN BUFFER).
 - C. THE APPLICANT IS PROPOSING SIX PHASES AND THREE MODEL HOMES FOR THE DEVELOPMENT. THE MODEL HOMES SHALL BE LOCATED ON INDIVIDUAL RECORDED LOTS. ONE SINGLE FAMILY DWELLING MAY BE PERMITTED ON THE PARENT TRACT PRIOR TO DEVELOPMENT.
 - D. MAINTENANCE ACCESS DRAINAGE EASEMENTS SHALL BE SHOWN ON THE PLAT.
 - E. LAND DISTURBING ACTIVITIES WITHIN 10 FEET OF AN EXTERIOR PROPERTY MUST BE APPROVED BY THE COUNTY ENGINEER. (BMP).
 - F. IT APPEARS THAT ARBORMOOR WAY WAS REMOVED FROM THE PLAN AND THE ADDRESSES SHOULD REFLECT THIS CHANGE.
2. A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the use permit review standards. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary applicant findings.
3. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. Revised plans must be submitted and approved by TRC prior to issuance of the use permit.
 - b. A recombination plat must be recorded to identify the property lines of the proposed development by construction drawing submittal.
 - c. Any payment in lieu of recreation and park area dedication shall be based on the tax property value of the recombined properties.
 - d. US Army Corps of Engineers designated 404 wetlands shall be preserved for conservation and shall not be used for stormwater management systems. However, stormwater may be collected in the development and allowed to naturally drain to the wetlands.

- e. That the agreed upon outline between AH Currituck Reserve and Allied Properties concerning the shared drainage infrastructure and easements/rights-of-way locations/relocations be followed to develop the three adjoining subdivisions under a single drainage plan.

USE PERMIT REVIEW STANDARDS

The use will not endanger the public health or safety.

PRELIMINARY APPLICANT FINDINGS:

1. THE USE WILL ADHERE TO COUNTY HEALTH AND SAFETY STANDARDS, INCLUDING RECOMMENDATIONS MADE BY ALBEMARLE REGIONAL HEALTH SERVICES. THE PROJECT SHOULD NOT ADVERSELY AFFECT THE PUBLIC HEALTH OR SAFETY.

The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

PRELIMINARY APPLICANT FINDINGS:

1. LAND TO THE NORTH HAS BEEN DEVELOPED INTO SINGLE FAMILY HOMES; THE LAND TO THE EAST HAS BEEN PROPOSED AS A CONSERVATION SUBDIVISION; THIS TRACT WILL BE DEVELOPED SIMILARLY; OVER 40% OF THE LAND WILL BE PRESERVED AS OPEN SPACE. LOT WIDTHS ARE SIMILAR TO THOSE IN ADJACENT SUBDIVISIONS. THE LAND WILL NOT INJURY THE VALUE OF ADJOINING OR ABUTTING LANDS, AND WILL BE IN HARMONY WITH THE SURROUNDING AREA.

The use will be in conformity with the Land Use Plan or other officially adopted plans.

PRELIMINARY APPLICANT FINDINGS:

1. THE LAND USE PLAN CLASSIFIES THIS ARE AS RURAL WITHIN THE MOYOCK SUBAREA, AND THE MOYOCK SMALL AREA PLAN CLASSIFIES IT AS LIMITED SERVICE, WITH DENSITIES PROPOSED BETWEEN 1 AND 1.5 UNITS PER ACRE. THE PROPOSED DEVELOPMENT DENSITY IS 1.0 UNIT PER ACRE, LESS THAN THE DENSITY PREVIOUSLY PROPOSED WHEN THE PROPERTY WAS ZONED AS A PUD OVERLAY DISTRICT.

RELEVANT MSAP AND 2006 LUP POLICIES:

1. 2006 LUP POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.
2. 2006 LUP POLICY HN2: Currituck County recognizes that large-lot mini-estates (i.e. 5 to 10 acres) consume large amounts of land, often without economic purpose. Estate lots having no relationship to agriculture or other resource-based activities promote sprawl and make the provision of infrastructure and services very costly. The County shall therefore encourage alternatives to large lot developments through INNOVATIVE DEVELOPMENT CONCEPTS AND CORRESPONDENCING ZONING techniques.
3. 2006 LUP POLICY HN3: Currituck shall especially encourage two forms of residential

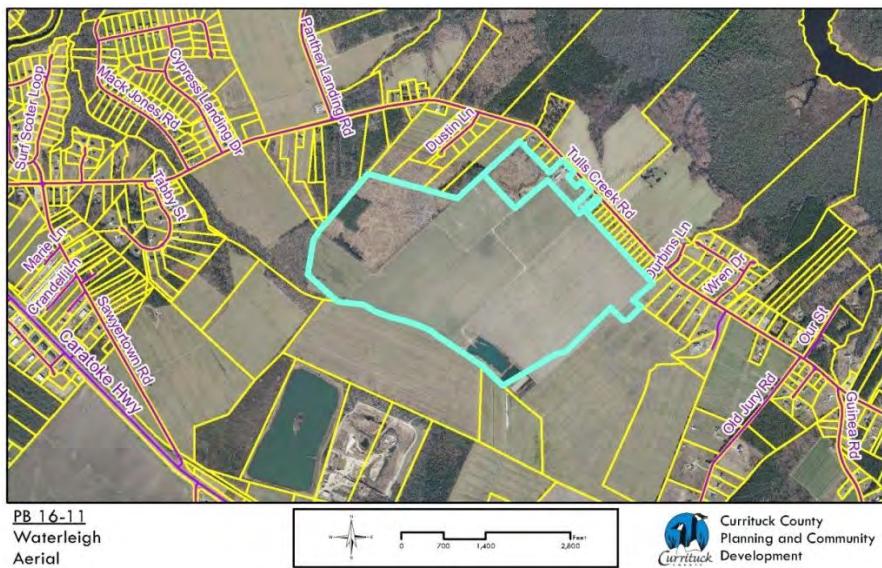
development, each with the objective of avoiding traditional suburban sprawl:

- i. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
4. 2006 LUP POLICY AG2: Farms and woodlands shall be recognized as an integral part of the county's OPEN SPACE SYSTEM. Efforts to keep these areas viable as part of the area's resource-based economic sector, shall be encouraged.
5. 2006 LUP POLICY TR8: Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists. Care shall be taken to encourage local street "connectivity" without creating opportunities for cut-through traffic from outside and connected areas.
6. 2006 LUP POLICY TR12: New residential developments shall provide for the installation of PAVED PUBLIC ROADWAY AND DRAINAGE INFRASTRUCTURE at the time of development. This policy is intended to prevent the creation of substandard developments that must later correct for infrastructure problems that could have been avoided, had they been installed properly from the beginning. Family subdivisions and non-asphalt roads serving the northern beaches are the only exception to this policy.
7. 2006 LUP POLICY PR6: All new residential development shall provide for ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development. The amount of open space and improvements may be determined according to the number of dwelling units in the development and/or by a percentage of the total acreage in the development. Fees in lieu of land dedication shall be based on the inflation adjusted assessed value of the development or subdivision for property tax purposes.
8. 2006 LUP POLICY WQ3: Currituck County supports policies, plans, and actions that help protect the water quality of the county's estuarine system by preventing SOIL EROSION AND SEDIMENTATION, and by controlling the quantity and quality of STORMWATER RUNOFF entering the estuary.
9. 2006 LUP POLICY WQ4: RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post development runoff shall not exceed predevelopment volumes.
10. 2006 LUP POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged. If COASTAL AND NON-COASTAL WETLANDS are considered part of a lots acreage for the purpose of determining minimum lot size or development density, Low Impact Development techniques or appropriate buffers shall be integrated into the development.

The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

PRELIMINARY APPLICANT FINDINGS:

1. CURRITUCK COUNTY HAS ADEQUATE PUBLIC FACILITIES TO SERVE THE PROPOSED SUBDIVISION.



Mark Bissell, Engineer for the project, presented a powerpoint and reviewed the development plan. He reviewed density, water features, roadways and connectivity and amenities such as sidewalks, agricultural areas, lakes and parks. Mr. Bissell confirmed that there would be lake access available to residents. He reviewed the stormwater drainage plan which would be incorporated into a plan with adjoining subdivisions. Fiscal impacts were reviewed and support for the findings of fact were provided as required for approval. He explained the Agri-hood concept incorporated within the community and provided home elevation photos and streetscape plans. Mr. Bissell reviewed citizen comments and resolves based on feedback from two community meetings.

Mr. Bissell, responding to Board questions, said they are not proposing on-street parking and the community would utilize a central mailbox area. The completion time for the six phases of the project was said to be one phase per year. He confirmed lot sizes, ingress and egress.

Mr. Woody answered questions regarding school capacity, saying this subdivision replaces the student numbers that were counted when the original plan, Currituck Reserve, was initially presented.

Chairman Griggs closed the public hearing.

Commissioner Gilbert moved to approve PB 16-11-Waterleigh, with the findings that the project will not endanger the public health or safety, it adheres to the standards including recommendations made by the staff and proposed on the applicant; it should not adversely affect the public health and safety; it will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located-land to the north has been developed into single-family homes, the land to the east has been proposed as a conservation subdivision and this tract will be developed similarly with over 40% of the land being preserved as open space. Lot widths are similar to those in adjacent subdivisions-the land will not injure the value of adjoining and abutting lands. The use will be in conformity with the land use plan and the other officially adopted

plans, including the staff findings-1-The Land Use Plan classifies this area as rural within the Moyock subarea and the Moyock Small Area Plan classifies it as Limited Service, with densities proposed between 1 and 1.5 units per acre. The proposed development density is 1 unit per acre, less than the density previously proposed when the property was zoned as a PUD overlay district; the Land Use plans policy that were stated previously in the presentation, 1 through 10. The use will not exceed the county's ability to provide adequate public facilities including, but not limited to, schools, fire and rescue, law enforcement and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Also included in the motion for approval-that we include the presentation that Mr. Bissell included so Boards will have it for future use.

Commissioner Gilbert included the five staff findings into the motion, as read by Mr. Woody:

- Revised plans be submitted and approved by the TRC prior to issuance of use permit.
- A recombination plat must be recorded to identify property line of the proposed development by construction drawing submittal
- Any payment in lieu of recreation and park area dedication shall be based on the tax property value of the recombined properties.
- US Army Corps of Engineers designated 404 wetlands shall be preserved for conservation and shall not be used for stormwater management systems. However, stormwater may be collected in the development and allowed to naturally drain to the wetlands.
- That the agreed upon outline between AH Currituck Reserve and Allied Properties concerning the shared drainage infrastructure and easements/rights-of-way locations/relocations be followed to develop the three adjoining subdivisions under a single drainage plan.

Commissioner Hall, after confirming the acceleration/deceleration lane was required to be installed prior to the start of phase two of the project, seconded the motion. The motion passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marion Gilbert, Commissioner
SECONDER:	Mike D. Hall, Commissioner
AYES:	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

C. Public Hearing and Action: PB 16-12 Glenmoor Ridge:

Parties were sworn and Mr. Woody reviewed the application with the Board. Mr. Woody reviewed the staff's recommended conditions for approval.

**STAFF REPORT
PB 16-12 GLENMOOR RIDGE
BOARD OF COMMISSIONERS
SEPTEMBER 18, 2016**

APPLICATION SUMMARY**Property Owner:**

Haywood E. Ward
Cynthia J. Ward
7950 Hwy 78, Lot 46
Okeechobee, FL 34974

Applicant:

Allied Properties, LLC
PO Box 743
Moyock, NC 27958

Case Number: PB 16-12**Application Type:** Major Subdivision,

Preliminary Plat/Use Permit (Type II)

Parcel Identification Number:0022-000078A-0000 **Existing Use:**

Undeveloped

Land Use Plan Classification: Rural**Moyock Small Area Plan:** Limited Service **Parcel Size (Acres):**

48 acres (total)

Number of Units: 48 residential lots**Project Density:** 1.0 units/acre**Required Open Space:** 19.2 acres (40%)**Provided Open Space:** 19.88 acres (41%)**SURROUNDING PARCELS**

	LAND USE	ZONING
NORTH	MOYOCK LIBRARY	AG AND SFM
SOUTH	FARMLAND	AG
EAST	UNDEVELOPED/RESIDENTIAL	AG AND SFM
WEST	UNDEVELOPED/RESIDENTIAL	SFM

STAFF ANALYSIS

- In 2008, the Board of Commissioners approved a 688 lot planned unit development on 471 acres at a density of 1.47 units per acre that included this parcel. That development expired and the properties that were once part of the Currituck Reserve development are now proposed as three separate developments.
- The developments will collectively share drainage infrastructure by establishing easements. The applicants submitted an outline of an agreement to manage the stormwater between the three subdivisions that address the management of the stormwater infrastructure and access for the three properties. (Attached)
- The applicant is requesting preliminary plat/use permit approval of a 48 lot conservation subdivision.

INFRASTRUCTURE

WATER	PUBLIC
SEWER	ON-SITE SEPTIC
TRANSPORTATION	PEDESTRIAN: 5' WIDE SIDEWALKS AND PEDESTRIAN TRAILS STREETS: CURB AND GUTTER STREETS WILL BE DESIGNED AND TO NCDOT STANDARDS.
CONSTRUCTED	AN AGREEMENT BETWEEN AH CURRITUCK RESERVE AND ALLIED PROPERTIES WITH A COMBINATION OF CURB AND GUTTER, SWALES, AND STORMWATER PONDS
STORMWATER/DRAINAGE	

SCHOOLS	ELEMENTARY STUDENTS GENERATED: 12 STUDENTS (159) MIDDLE SCHOOL STUDENTS GENERATED: 3 STUDENTS (252) HIGH SCHOOL STUDENTS GENERATED: 6 STUDENTS (89)
RECREATION AND PARK AREA DEDICATION	THE COUNTY WILL BE ACCEPTING A PAYMENT-IN-LIEU OF THE 1.224 ACRE DEDICATION AREA.
RIPARIAN BUFFERS	THERE ARE NO 404 JURISDICTIONAL WETLANDS ON THE PROPERTY.

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

1. THE TECHNICAL REVIEW COMMITTEE RECOMMENDS ADOPTION OF THE USE PERMIT AND APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:
 - A right-of-way must be created and designated for your development's use that meets NCDOT standards. Subdivision cannot use an easement as a point of ingress and egress. (UDO Section 6.2.1). The right-of-way issue must be resolved prior to submittal of construction drawings. (Planning)
 - That the agreed upon outline (attached) between AH Currituck Reserve and Allied Properties concerning the shared drainage infrastructure and easements/rights-of-way locations/relocations be followed to develop the three adjoining subdivisions under a single drainage plan. (Planning)
 - Currituck Reserve subdivision adjoining the western property line is installing an eight foot wide sidewalk along the northern portion of the right-of-way they are creating to connect to the Moyock Library. A crossing from this development to that sidewalk is required. The applicant is working directly with Currituck Reserve developers to install a crossing from this development's sidewalk to Currituck Reserve's sidewalk. (Planning)
 - MSA Engineers were the original design engineers for Currituck Reserve, the library site and Campus Drive. Per the original design for Campus Drive, a top coat of 2" asphalt is required over the existing asphalt. (Engineering)
 - The library has continuing flooding issues due to the elevation it was built at. MSA basically put the library in an excavated hole and assured us it was part of a drainage plan that would function with Currituck Reserve. You are proposing to use the same outlet as the library. We need to account for the outlets, the library and the ditches in your modeling. (Engineering)
2. A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the use permit review standards. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary applicant findings.
3. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - A right-of-way must be created and designated for your development's use that meets NCDOT standards. Subdivision cannot use an easement as a point of ingress and egress. (UDO Section 6.2.1). The right-of-way issue must be resolved prior to submittal of construction drawings. (Planning)
 - That the agreed upon outline (attached) between AH Currituck Reserve and Allied Properties concerning the shared drainage infrastructure and easements/rights-of-way locations/relocations be followed to develop the three adjoining subdivisions under a single drainage plan. (Planning)
 - Currituck Reserve subdivision adjoining the western property line is installing an eight foot wide sidewalk along the northern portion of the right-of-way they are creating to connect to the Moyock Library. A crossing from this development to that sidewalk is required. The applicant is working directly with Currituck Reserve developers to install a crossing from this development's sidewalk to Currituck Reserve's sidewalk. (Planning)
 - MSA Engineers were the original design engineers for Currituck Reserve, the library site and Campus Drive. Per the original design for Campus Drive, a top coat of 2" asphalt is required over the existing asphalt. (Engineering)

- The library has continuing flooding issues due to the elevation it was built at. MSA basically put the library in an excavated hole and assured us it was part of a drainage plan that would function with Currituck Reserve. You are proposing to use the same outlet as the library. We need to account for the outlets, the library and the ditches in your modeling. (Engineering)

USE PERMIT REVIEW STANDARDS

The use will not endanger the public health or safety.

PRELIMINARY APPLICANT FINDINGS:

1. THE USE WILL ADHERE TO COUNTY HEALTH AND SAFETY STANDARDS, INCLUDING RECOMMENDATIONS MADE BY ALBEMARLE REGIONAL HEALTH SERVICES. THE PROJECT SHOULD NOT ADVERSELY AFFECT THE PUBLIC HEALTH OR SAFETY.

The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

PRELIMINARY APPLICANT FINDINGS:

1. LAND TO THE EAST HAS BEEN DEVELOPED INTO SINGLE FAMILY HOMES; THE LAND TO THE WEST HAS ALREADY BEEN PROPOSED AS A CONSERVATION SUBDIVISION; THIS TRACT WILL BE DEVELOPED SIMILARLY; OVER 40% OF THE LAND WILL BE PRESERVED AS OPEN SPACE. THE USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING LANDS, AND WILL BE IN HARMONY WITH THE SURROUNDING AREA.

The use will be in conformity with the Land Use Plan or other officially adopted plans.

PRELIMINARY APPLICANT FINDINGS:

1. THE LAND USE PLAN CLASSIFIES THIS AREA AS RURAL WITHIN THE MOYCO SUBAREA, AND THE MOYOCK SMALL AREA PLAN CLASSIFIES IT AS LIMITED SERVICE, WITH DENSITIES PROPOSED BETWEEN 1 AND 1.5 UNITS PER ACRE. THE PROPOSED DEVELOPMENT DENSITY IS 1.0 UNIT PER, LESS THAN THE DENSITY PREVIOUSLY PROPOSED WITH THE PROPERTY WAS ZONED AS A PUD OVERLAY DISTRICT.

RELEVANT MSAP AND 2006 LUP POLICIES:

POLICY HN1: CUNITUCK COUNTY SHALL ENCOURAGE DEVELOPMENT TO OCCUR AT DENSITIES APPROPRIATE FOR THE LOCATION...

POLICY HN2: THE COUNTY SHALL ... ENCOURAGE ALTERNATIVES TO LARGE LOT DEVELOPMENTS THROUGH INNOVATIVE DEVELOPMENT CONCEPTS AND CORRESPONDING ZONING TECHNIQUES.

POLICY HN3: CUNITUCK COUNTY SHALL ESPECIALLY ENCOURAGE TWO FORMS OF RESIDENTIAL DEVELOPMENT, EACH WITH THE OBJECTIVE OF AVOIDING TRADITIONAL SUBURBAN SPRAWL:

- OPEN SPACE DEVELOPMENTS THAT CLUSTER HOMES ON LESS LAND, PRESERVING PERMANENTLY DEDICATED OPEN SPACE AND OFTEN EMPLOY ON-SITE OR COMMUNITY SEWAGE TREATMENT. THESE TYPES OF DEVELOPMENTS ARE LIKELY TO OCCUR PRIMARILY IN THE CONSERVATION, RURAL, AND TO A CERTAIN EXTENT THE LIMITED SERVICE AREAS IDENTIFIED ON THE FUTURE LAND USE MAP.

POLICY TR12: NEW RESIDENTIAL DEVELOPMENTS SHALL PROVIDE FOR THE INSTALLATION OF PAVED PUBLIC ROADWAY AND DRAINAGE INFRASTRUCTURE AT THE TIME OF DEVELOPMENT.

POLICY TR8: LOCAL STREETS SHALL BE DESIGNED AND BUILT TO ALLOW FOR CONVENIENT CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS AND TO ENCOURAGE MOBILITY BY PEDESTRIANS AND BICYCLISTS. CARE SHALL BE TAKEN TO ENCOURAGE LOCAL STREET "CONNECTIVITY" WITHOUT CREATING OPPORTUNITIES FOR CUT-THROUGH TRAFFIC FROM OUTSIDE THE CONNECTED AREAS.

POLICY WS6: CURRITUCK COUNTY ENDORSES THE PROPER USE AND MAINTENANCE OF APPROVED SEPTIC SYSTEMS IN SUITABLE SOILS AS AN ENVIRONMENTALLY ACCEPTABLE MEANS OF TREATING AND DISPERSING WASTE FROM LOW-DENSITY DEVELOPMENT.

POLICY PR6: ALL NEW RESIDENTIAL DEVELOPMENT SHALL PROVIDE FOR ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS INCLUDING, AS MAY BE APPROPRIATE, FUNDING IN PROPORTION TO THE DEMAND CREATED BY THE DEVELOPMENT. THE AMOUNT OF OPEN SPACE AND IMPROVEMENTS MAY BE DETERMINED ACCORDING TO THE NUMBER OF DWELLING UNITS IN THE

DEVELOPMENT AND/OR BY A PERCENTAGE OF THE TOTAL ACREAGE IN THE DEVELOPMENT. FEES IN LIEU OF LAND DEDICATION SHALL BE BASED ON THE INFLATION ADJUSTED ASSESSED VALUE OF THE DEVELOPMENT OR SUBDIVISION FOR PROPERTY TAX PURPOSES.

POLICY WQ3 : CURRITUCK COUNTY SUPPORTS POLICIES , PLANS AND ACTIONS THAT HELP PROTECT THE WATER QUALITY OF THE COUNTY'S ESTUARINE SYSTEM BY PREVENTING SOIL EROSION AND SEDIMENTATION , AND BY CONTROLLING THE QUANTITY AND QUALITY OF STORMWATER RUNOFF ENTERING THE ESTUARY.

POLICY WQ4: RUNOFF AND DRAINAGE FROM DEVELOPMENT , FORESTRY AND AGRICULTURAL ACTIVITIES SHALL BE OF A QUALITY AND QUANTITY AS NEAR TO NATURAL CONDITIONS AS POSSIBLE. POST-DEVELOPMENT RUNOFF SHALL NOT EXCEED PRE-DEVELOPMENT VOLUMES .

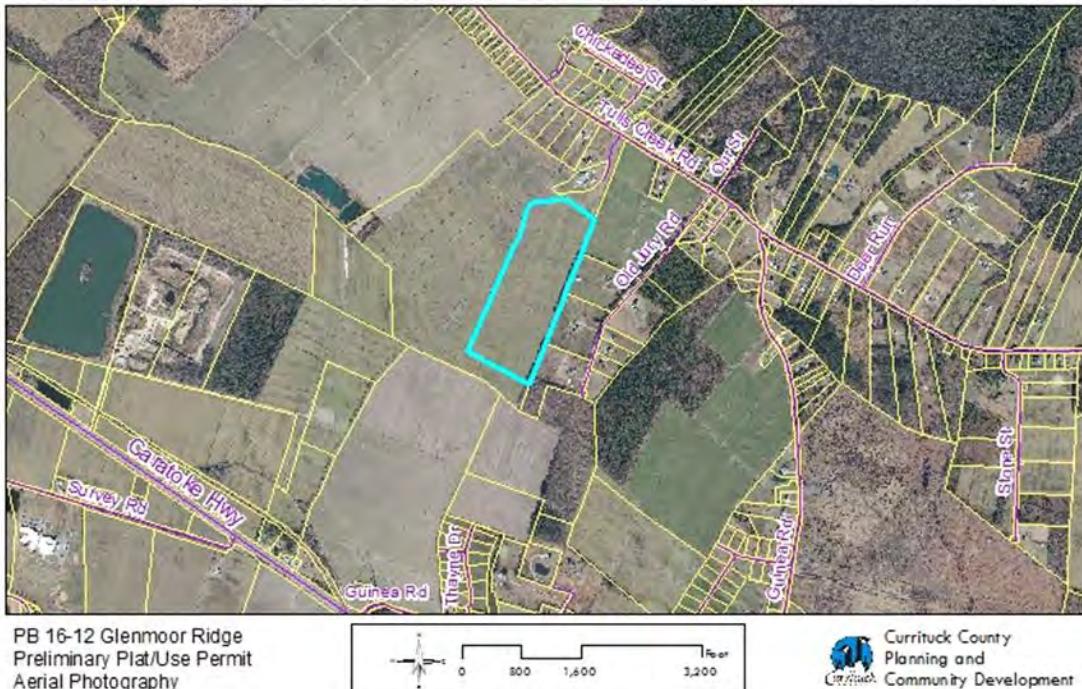
POLICY WQ5: DEVELOPMENT THAT PRESERVES THE NATURAL FEATURES OF THE SITE, INCLUDING EXISTING TOPOGRAPHY AND SIGNIFICANT EXISTING VEGETATION, SHALL BE ENCOURAGED. IF COASTAL AND NON-COASTAL WETLANDS ARE CONSIDERED PART OF A LOT'S ACREAGE FOR THE PURPOSE OF DETERMINING MINIMUM LOT SIZE OR DEVELOPMENT DENSITY, LOW IMPACT DEVELOPMENT TECHNIQUES OR APPROPRIATE BUFFERS SHALL BE INTEGRATED INTO THE DEVELOPMENT.

ENVIRONMENTALLY SENSITIVE NATURAL AREAS

The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

PRELIMINARY APPLICANT FINDINGS:

Currituck County has adequate public facilities to serve the proposed subdivision.



Mr. Woody answered questions about egress, ingress and connectivity, saying the subdivision doesn't have connectivity available at this time.

Commissioner Hall said he lives on Old Jury Road but he does not back up to this

property and will have no problem rendering a fair decision.

Chairman O'Neal wants to make sure the overall drainage plan is accounted for as the project goes forward.

Mr. Woody confirmed the minimum requirements of the North Carolina Fire Code have been met.

Mark Bissell, Engineer for the applicant, used a powerpoint to review the development plan. He said the site density is 1 acre with minimum 20,000 square foot lots. He reviewed the trail system, water features and other amenities. He reviewed the consolidated drainage plan which incorporates the library site. He reviewed fiscal impacts and presented support for the findings of fact necessary for approval. He showed home models and reported on a community meeting that had only one attendee who expressed no concerns.

Mr. Bissell detailed the buffer at Old Jury Road, provided road widths and the utilization of community mailboxes instead of one at each individual lot.

Mr. JR Allen who lives on Tulls Creek Road expressed concerns about ditching and possible flooding at his and an adjoining farm property. Mr. Bissell said the plan is to shift some of the drainage to another outlet which has more capacity and will not go into the farmland drainage.

Chairman Griggs closed the Public Hearing.

Commissioner Gilbert said she was struggling with compatibility, as the subdivision backs up to ten acre lots.

Commissioner O'Neal moved for approval of PB 16-12, that the use will not endanger the public health or safety, it will adhere to county health and safety standards, including recommendations made by Albemarle Regional Health Services, the project should not adversely affect the public health or safety; the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located-land to the east has been developed into single family homes; land to the west has already been proposed as a conservation subdivision-this tract will be developed similarly, with over 40% of the land being preserved as open space. The use will not injure the value of adjoining or abutting lands and will be in harmony with the surrounding property. The use will be in conformity with the Land Use Plan or other officially adopted plans, more specifically policy HN1, HN2, HN3, TR12, TR8, WS6, PR6, WQ3, WQ4, WQ5. The use will not exceed the county's ability to provide adequate public facilities including, but not limited to, schools, fire and rescue, law enforcement and other county facilities-applicable state standards and guidelines shall be followed for determining when public facilities are adequate, and according to staff, Currituck has adequate facilities to serve the proposed subdivision; and the five staff recommendations Mr. Woody had already read into the record.

Chairman Griggs seconded.

Mr. Woody said he has received no comments from the public regarding the subdivision.

Commissioner Hall said he would like additional buffers due to concerns about lighting from the new neighborhood. The developer confirmed no street lighting is being proposed. Commissioner O'Neal reminded the Board the original subdivision was over a thousand lots, and this request is a significant reduction.

The motion passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	S. Paul O'Neal, Commissioner
SECONDER:	David L. Griggs, Board Chairman
AYES:	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

NEW BUSINESS

A) Board Appointments

Appointments to the ABC Board, Economic Development Board and Historic Preservation Commission were removed from the agenda.

1. ABC Board

RESULT:	WITHDRAWN
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2. Economic Development Advisory

RESULT:	WITHDRAWN
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3. Historic Preservation Commission

RESULT:	WITHDRAWN
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B) Consent Agenda

Commissioner O'Neal moved to approve the Consent Agenda. The motion was seconded by Commissioner Beaumont.

Commissioner Hall moved to amend the original motion to allow the minutes of the August 15, 2016, Board of Commissioners meeting, be revised to note that the portion of the meeting after Closed Session was not video recorded. Commissioner Payment seconded the motion to amend, which passed unanimously.

The Board voted on the original motion, as amended, and the Consent Agenda was approved unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVED:	S. Paul O'Neal, Commissioner
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

1) Approval Of Minutes-Aug. 15, 2016 and Special Meeting Aug. 24, 2016

BOC Minutes-August 15, 2016

BOC Special Mtg-August 24, 2016

2. Budget Amendments

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
51848-597005	Moy Elem Rooftop HVAC	\$ 2,511	
51848-597006	Moy Elem Split HVAC Unit	\$ 2,510	
51848-590000	Capital Outlay - Security System		\$ 5,021
		\$ 5,021	\$ 5,021

Explanation: *School Construction (51848) - Transfer residual funding from the Security Upgrade project to the Moyock Elementary School HVAC projects.*

Net Budget Effect: Multi-year School Construction Fund (51) - No change.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-536000	Uniforms	\$ 40,289	
10330-449900	Miscellaneous Grants		\$ 20,144
10380-488400	ABC Profits		\$ 20,145
		\$ 40,289	\$ 40,289

Explanation: *Sheriff (10510) - To record bullet-proof vest grant.*

Net Budget Effect: Operating fund (10) - Increased by \$40,289.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10440-514000	Travel	\$ 2,708	
10440-545000	Contract Services	\$ 3,541	
10441-514000	Travel	\$ 2,750	
10441-514500	Training & Education	\$ 1,665	
10441-545000	Contract Services	\$ 75,442	
10441-590000	Capital Outlay	\$ 80,229	
10441-590003	BOC Meeting Room Tech	\$ 8,916	
10445-514000	Travel	\$ 1,751	
10445-514500	Training & Education	\$ 5,000	
10531 514000	Travel	\$ 3,000	
10531 532000	Supplies	\$ 25,000	
10531 545000	Contracted Services	\$ 10,000	
10660-545000	Contract Services	\$ 10,750	
10650-545000	Contract Services	\$ 18,500	
10795-590000	Capital Outlay	\$ 26,200	
10390-495015	TF - Occupancy Tax		\$ 18,500
10390-499900	Appropriated Fund Balance		\$ 256,952
29690-590000	Capital Outlay	\$ 312,986	
29390-499900	Appropriated Fund Balance		\$ 312,986
61818-561000	Professional Services	\$ 3,234	
61390-499900	Appropriated Fund Balance		\$ 3,234
63838-590000	Capital Outlay	\$ 5,250	
63390-499900	Appropriated Fund Balance		\$ 5,250
66868-561000	Professional Services	\$ 23,153	
66390-499900	Appropriated Fund Balance		\$ 23,153
		\$ 620,075	\$ 620,075

Explanation: Various Departments - Carry forward purchase orders for projects started in prior fiscal years that were not completed at June 30, 2016.

Net Budget Effect: Operating Fund (10) - Increased by \$275,542.
 Fire Equipment Replacement (29) - Increased by \$312,986.
 Mainland Water (61) - Increased by \$3,234.
 Solid Waste (63) - Increased by \$5,250.
 So Outer Banks Water System (66) - Increased by \$23,153.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10795-590000	Capital Outlay	\$ 2,070	
10795-516400	Equipment Maintenance		\$ 2,070
		\$ 2,070	\$ 2,070

Explanation: Parks & Recreation (10795) - Replace mower deck.

Net Budget Effect: Operating fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10796-590000	Capital Outlay	\$ 479,050	
10390-499900	Fund Balance Appropriated		\$ 479,050
		\$ 479,050	\$ 479,050

Explanation: Currituck Co Rural Center (10796) - To record funding for CCRC Recreational Vehicle and Camper Site Hook-ups approved in FY 2017 budget. Engineering was completed in June 2016.

Net Budget Effect: Operating fund (10) - Increased by \$479,050.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10795-576009	Soccer		\$ 2,760
10795-590000	Capital Outlay	\$ 2,760	
		<u>\$ 2,760</u>	<u>\$ 2,760</u>
Explanation:	Parks and Recreation (10795) - Transfer funds for soccer equipment.		
Net Budget Effect:	Operating fund (10) - No change.		

3. Vehicle Surplus Resolution

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on September 19, 2016 authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be disposed of at auction or by advertised sale

DEPT	ASSET	YEAR	MAKE/MODEL	VIN#
P&R	5292	2000	FORD F150	1FTZF1727YNC39434
AS&C	5940	2005	FORD RANGER	1FTYR15E95PA51692
MLW	5923	2005	FORD F150	1FTRX14W25NA29582
PW	6010	2006	FORD F150	1FTPX12566NA11931
SHERIFF	7001	2009	FORD CROWN VIC	2FAHP71V59X102478
SHERIFF	7007	2009	DODGE CHARGER	2B3KA43T69H607839
SHERIFF	7186	2010	DODGE CHARGER	2B3AA4CT9AH161783
SHERIFF	7188	2010	DODGE CHARGER	2B3AA4CT2AH161785
SHERIFF	7352	2010	DODGE CHARGER	2B3AA4CT1AH318982
SHERIFF	7353	2010	DODGE CHARGER	2B3AA4CT3AH318983
SHERIFF	7354	2010	DODGE CHARGER	2B3AA4CT5AH318984

ADOPTED, this _____ day of _____, 2016.

David Griggs, Chairman
Currituck County Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board

4. Master Fee Schedule-Revision
5. Lottery Funds Requested by the Currituck Board of Education
6. Records Disposal-Finance Department
7. Records Disposal-Human Resources

C) Commissioner's Report

Chairman Griggs provided a list of county projects instituted over the past year which utilized grant monies. Projects included the installation of inclusive playground equipment for special needs children, new ball fields, soccer fields and lighting, enhancements at boating facilities, the airport's parallel taxiway, and a grant of almost \$500,000 just approved to offset the purchase of 720 acres of property on the northern beaches. Commissioner O'Neal explained the land swap for the acquisition of the northern beach property which will provide for conservation and protection of habitat for the wild horses. Commissioner Payment noted contributions made by Volunteer Fire Departments who often apply for and receive grant funding.

Additional projects noted included the construction of the animal shelter and the Corolla Greenway multi-use path, both funded with no tax increase to citizens with Currituck County still maintaining one of the lowest tax rates in North Carolina. The county's increased credit rating to AA was discussed, which allowed the county to save \$1 million in interest payments.

Commissioner O'Neal urged those board members who will remain after December along with the new board members to consider looking at the growth in the Moyock area and begin to plan for future growth, suggesting a strategic land purchase for the county. Mr. Woody provided Commissioner O'Neal an update on the old Kite house in front of the Moyock library. He said the owner has contracted with a local landscaper for maintenance of the grounds but they do not intend to fix the home. The home has been offered to the county or may be put up for sale. Mr. Woody said perhaps the Historic Preservation Committee will take it on as a project.

Commissioner Payment agreed with Commissioner O'Neal about planning for the future. He reported his attendance at a recent Social Services Board meeting where he learned Trillium health would offer confidential, computerized mental health screenings for residents via a kiosk they will install at the Barco library. A ribbon cutting will be forthcoming.

Commissioner Gilbert acknowledged the county's Heritage Day organizers, Kola Lynch, Michele Ellis and Tom Harrell. She said the event was outstanding, thanked Tourism Director Tameron Kugler and recalled positive comments from participants and attendees. Commissioner Gilbert announced several events, including the Crawford Fire Station Ruritan's Dinner, the free rabies clinic October 1, 2016, 8-10 AM at Judicial Center, the Currituck Kids Scarecrow Fest at Currituck BBQ on October 15, 2016, and the Barktober Fest on October 29, 2016, from Noon till 4 PM at the Animal Shelter.

Commissioner Beaumont also talked about the Heritage Festival, including his participation in the BBQ cook off and the standing room only attendance at the rodeo. He believes the event is going to grow and can't wait for next year.

Commissioner Hall reported his attendance at a Chamber event in Washington DC, meeting with Senators and Congress to discuss the needs of Currituck County and the state. He said he will brief the Commissioners at a later date, stating Commissioners do what they can to help keep taxes low and businesses strong.

Chairman Griggs reported his attendance at an agricultural forum in Raleigh, saying it was outstanding. He was pleased to hear the Governor and Secretary of Agriculture speak on the importance of agri-business. Discussion included interconnectivity to move products to ports and investments in technology and science to promote agriculture efficiency. Commissioner O'Neal offered insight as to highway infrastructure and expansion of the ports in Hampton Roads with the opening of the I-87 corridor and its potential benefit to Currituck County. Chairman Griggs discussed the federal government's attempt to take over ditch systems, which would negatively impact agriculture.

D) County Manager's Report

Dan Scanlon reported on a work shop with county staff and the Board of Education. The work shop was held to provide the Board of Education with information so they could begin to develop a vision and growth plan for education and to encourage strategic planning for future school needs.

PUBLIC COMMENT

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.

James Crozier, Walnut Island, said he wants to build a boathouse at his property but is having difficulty dealing with county staff and believes a packet of material should have been provided for what he needed to do. He said he has been to the permit office multiple times and described his issues with the process trying to obtain permits and the costs he has incurred. He asked the new Board to look at becoming more user friendly and put the focus back on the taxpayers.

Mr. Woody said he is working with Mr. Crozier.

With no one else wishing to speak the public comment period was concluded.

ADJOURN

Motion to Adjourn Meeting

With there being no further business Commissioner O'Neal moved to adjourn. The motion was seconded by Commissioner Gilbert and passed unanimously. The meeting of the Currituck County Board of Commissioners was concluded at 9:05 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	S. Paul O'Neal, Commissioner
SECONDER:	Marion Gilbert, Commissioner
AYES:	David L. Griggs, Board Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1684)

Agenda Item Title

Budget Amendments

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

ber

2017014

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of October 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10640-532004	FCS Supplies	\$ 1,709	
10330-449900	Miscellaneous Grants		\$ 1,709
		<u><hr/>\$ 1,709</u>	<u><hr/>\$ 1,709</u>

Explanation: Cooperative Extension (10640) - Increase appropriations to record grant funding for Senior Health Insurance Information Program.

Net Budget Effect: Operating fund (10) - Increased by \$1,709.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

nber

2017015

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of October 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12548-590015	Capital Outlay	\$ 27,500	
12548-532115	Fire Supplies		\$ 27,500
		<u><u>\$ 27,500</u></u>	<u><u>\$ 27,500</u></u>

Explanation: *Knotts Island Vol Fire Department (12548) - Transfer budgeted funds for new pump for tanker rebuild. This will be funded through existing fire contract funds.*

Net Budget Effect: Fire Services Fund (12) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

per 2017016

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of October 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50550-592008	Corp Area Apron 36237.8.13.1	\$ 39,651	
50330-448000	State Aid to Airports		\$ 35,686
50380-481000	Investment Earnings		\$ 3,965
		<u>\$ 39,651</u>	<u>\$ 39,651</u>

Explanation: *County Governmental Construction (50550) - Increase appropriations for Corporate Aircraft Parking Apron and Southern Parallel Taxiway for additionally grant funding of \$35,686. There will also be an additional 10% County match of \$3,965.*

Net Budget Effect: County Governmental Facilities (50) - Increased by \$39,651.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

per 2017017

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of October 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10445-545000	Contract Services	\$ 4,740	
10390-449900	Apropriated Fund Balance		\$ 4,740
		<u><u>\$ 4,740</u></u>	<u><u>\$ 4,740</u></u>

Explanation: *Human Resources (10445) - Carryforward MUNIS training from FY 2016.*

Net Budget Effect: Operating Fund (10) - Increased by \$4,470.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

ber

2017018

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of October 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
63838-590000	Capital Outlay	\$ 70,342	
63390-499900	Fund Balance Appropriated		\$ 70,342
		<u><hr/>\$ 70,342</u>	<u><hr/>\$ 70,342</u>

Explanation: *Solid Waste (63838) - Emergency electrical repairs at the transfer station.*

Net Budget Effect: Solid Waste Fund (63) - Increased by \$70,342.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board _____

iber

2017018

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of October 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10541-516000	Maintenance & Repair	\$	826		
10541-516200	Vehicle Maintenance			\$	826
		<hr/> <u>\$</u>	<hr/> <u>826</u>	<hr/> <u>\$</u>	<hr/> <u>826</u>

Explanation: *Fire Services (10541) - Emergency repairs to the HVAC system at the Waterlilly Fire Station.*

Net Budget Effect: Operating Fund (10) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1690)

Agenda Item Title

Resolution Authorizing the “Piggybacking” On a Purchase Agreement From Houston-Galveston Area Council of Governments for a 2017 IH 7400, 2 Door, OEM Cab, Pumper/Tanker with 51 foot Rear Mount Roadrunner and Associated Equipment from Rosenbauer South Dakota, LLC and C.W. Williams and Co., LLC

Brief Description of Agenda Item:

N.C. Gen. Stat. Section 143-129 waives bid law requirements for purchase of material, equipment or apparatus by a unit of local government and allows the unit of local government to enter into an agreement with a vendor who has contracted with another unit of local government if the vendor is willing to give the contracting unit the same contract prices and terms as previously provided the other unit of local government. Under this process, the original local government has utilized the public bid process to obtain the lowest responsible bid.

Rosenbauer South Dakota, LLC will agree to provide Currituck County the same contract prices and terms that it provided Houston-Galveston Area Council of Governments in a group purchasing program for a 2017 IH 7400 2 Door, OEM Cab, Pumper/Tanker with 51 foot Rear Mount Roadrunner and associated accessory equipment.

Staff recommends approval of the resolution.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

**RESOLUTION AUTHORIZING THE “PIGGYBACKING” ON A PURCHASE AGREEMENT FROM
HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS FOR 2017 IH 7400, 2 DOOR,
OEM CAB, PUMPER/TANKER WITH 51 FOOT REAR MOUNT ROADRUNNER AND
ASSOCIATED EQUIPMENT WITH ROSENBAUER SOUTH DAKOTA, LLC AND C.W.
WILLIAMS AND CO., LLC**

WHEREAS, the County of Currituck desires to “piggyback” on a purchase agreement by Houston-Galveston Area Council of Governments for a 2017 IH 7400, 2 Door, OEM Cab, Pumper/Tanker with 51 foot Rear Mount Roadrunner and associated equipment from Rosenbauer South Dakota, LLC and C.W. Williams and Co., LLC; and

WHEREAS, the conditions of “piggybacking” on the original contract have been met in accordance with N.C. Gen. Stat. §143-129; and

WHEREAS, public notice of purchase of the material and equipment set forth above was published in The Daily Advance, a newspaper with general circulation within the county, on September 23, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County, North Carolina as follows:

Section 1. The County of Currituck is authorized to “piggyback” on the Houston-Galveston Area Council of Governments contract for a 2017 IH 7400, 2 Door, OEM Cab, Pumper/Tanker with 51 foot Rear Mount Roadrunner and associated equipment from Rosenbauer South Dakota, LLC and C.W. Williams and Co., LLC.

Section 2. The County Manager is authorized to execute the contract and other required documents for purchase of the fire truck described in this resolution.

Section 3. This resolution shall be effective upon its adoption.

This the 3rd day of October, 2016.

David L. Griggs, Chairman
Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1687)

Agenda Item Title

Knotts Island VFD-Payment Approval-Pump Module Replacement

Brief Description of Agenda Item:

The KIVFD is requesting Board approval for payment of pump replacement costs. The KIVFD would like approval to pay the total cost of \$57,700 from their current budget.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Logan Fire Apparatus Inc
3580 Indian Trail
Suffolk, VA 23434
(757)810-7669
kim@loganfireapparatus.com
www.loganfireapparatus.com



INVOICE

BILL TO
Currituck County, NC

INVOICE # 1127
DATE 07/26/2016
DUE DATE 07/26/2016
TERMS Due on receipt

DESCRIPTION	QTY	PRICE	AMOUNT
Sales Pump module replacement for Tanker 8 with Hale 1250 gpm pump	1	27,500.00	27,500.00
BALANCE DUE			\$27,500.00

COUNTY OF CURRITUCK
I hereby certify that the above goods and
services have been received and are in good
order except as otherwise stated.

Shane Hause
Authorized Signature - Knotts Island
Date 8/1/16 12548-590615
Account Code

Logan Fire Apparatus Inc
3580 Indian Trail
Suffolk, VA 23434
(757)810-7669
kim@loganfireapparatus.com
www.loganfireapparatus.com



INVOICE

BILL TO
Knotts Island Volunteer Fire
Department
153 S End Rd
Knotts Island, NC 27950
United States

INVOICE # 1126
DATE 07/26/2016
DUE DATE 07/26/2016
TERMS Due on receipt

ACTIVITY	QTY	AMOUNT
Sales Pump module replacement for Tanker 8 with Hale 1250 gpm pum	1	30,200.00
		30,200.00

BALANCE DUE
\$30,200.00

PD
KIVFD
OK #1005
8/1/16



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1679)

Agenda Item Title

Consideration of County Personnel Policy

Brief Description of Agenda Item:

Planning Board Recommendation:

A committee of County employees worked on updating the 2001 County Personnel Policy. Their work product was reviewed by the County Manager, the County Attorney, the County Human Resources Director and Robin Shea, an attorney who specializes in employment law with Constangy, Brooks, Smith & Prophete. I am requesting Board of Commissioner approval, by resolution, of the updated County Personnel Policy with an effective date of January 7, 2017.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

NORTH CAROLINA
CURRITUCK COUNTY

R E S O L U T I O N

WHEREAS, Article 5 of Chapter 153A of the North Carolina General Statues authorizes a Board of Commissioners to establish a personnel system; and,

WHEREAS, it is the desire of the Currituck County Board of Commissioners to establish a personnel system policy that will promote a fair and effective means of employee recruitment and selection, develop and maintain an effective and responsible work force, and provide the means for rewarding meritorious employees and the removal of unsatisfactory employees,

NOW, THEREFORE, BE IT RESOLVED by the Currituck County Board of Commissioners that the policy entitled "County of Currituck Personnel Policy, Effective January 7, 2017", creating a personnel system is adopted by Resolution, and all prior resolutions or polices in any way effecting the organization of the personnel system of the County are hereby repealed.

This resolution shall take effect January 7, 2017.

ADOPTED this 3rd day of October, 2016.

David Griggs, Chairman
Currituck County Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1686)

Agenda Item Title

Amendment to County Manager Contract-Agenda was amended and this item was removed from consideration at the October 3, 2016 meeting of the BOC.

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

NORTH CAROLINA

CURRITUCK COUNTY

**FIRST AMENDMENT TO COUNTY MANAGER
EMPLOYMENT CONTRACT**

THIS FIRST AMENDMENT TO COUNTY MANAGER EMPLOYMENT CONTRACT, is made and entered into the 3rd day of October, 2016, (the “Amendment”), by the County of Currituck, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (the “County”), and Daniel F. Scanlon, II, (“Scanlon”).

RECITALS:

WHEREAS,, the County and Scanlon previously entered into an Employment Contract effective September 4, 2001, attached to this Amendment and incorporated herein by reference, (the “Contract”); and

WHEREAS, it is now the intention of the County and Scanlon to amend the Agreement as set forth below.

NOW, THEREFORE, in consideration of the mutual covenants expressed in the Contract and this Amendment, and other good and valuable consideration, the receipt of which is acknowledged, it is agreed between the County and Scanlon as follows:

1. Paragraph 1, **TERM OF EMPLOYMENT – SEVERANCE BENEFITS – NOTICE**, is amended to read as follows:

1. Scanlon shall serve at the pleasure of the County Board of Commissioners and Scanlon’s employment may be terminated at any time subject to the terms and conditions set forth in this Contract. Beginning on the 3rd day of October, 2016 the term of this agreement shall be for an initial term of 2 years to and including the 3rd day of October, 2018. At the expiration of the initial two year term this Contract shall renew, upon the same terms and conditions contained in this Contract, for an additional two year term unless County notifies Scanlon in writing that this Contract shall not be renewed at least six months prior to the expiration of the then current two year term. In the event County elects to terminate Scanlon’s employment prior the

expiration of the two year term or prior to the expiration of any term that has been renewed, Scanlon shall receive the compensation and benefits set forth in this Contract for the remaining portion of the Contract or the remaining portion of any renewed Contract in recognition and consideration for past service rendered the County. For purposes of complying with this paragraph, appropriations held as unencumbered fund balances in any fund or account of the County shall be available and authorized for transfer to the appropriate salary and benefit expenditure accounts to ensure fulfillment of this paragraph of this Contract.

2. Except for this Amendment, the Contract and all of its terms remain in full force and effect.

IN WITNESS THEREOF, the County has caused this Amendment to be executed by the Chairman of its Board of Commissioners, attested by its Clerk and its seal affixed thereto, all by the authority given by the Currituck County Board of Commissioners and Scanlon has signed and sealed this agreement, each as of the date and year first above written.

COUNTY OF CURRITUCK

By: _____
Chairman, Board of Commissioners

ATTEST:

Clerk to the Board

(COUNTY SEAL)

(SEAL)
Daniel F. Scanlon, II

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

County Finance Officer

NORTH CAROLINA

CURRITUCK COUNTY

COUNTY MANAGER EMPLOYMENT CONTRACT

THIS CONTRACT OF EMPLOYMENT is made and entered into on this 4th day of SEPT., 2001 by and between the **COUNTY OF CURRITUCK**, a body politic and political subdivision of the State of North Carolina, hereinafter referred to as "**County**", employer, and **DANIEL F. SCANLON, II**, hereinafter referred to as "**Scanlon**", employee;

RECITALS

1. The County functions under the duly adopted County Manager plan in accord with North Carolina General Statute 153A-81.
2. The County appointed Scanlon as interim County Manager effective the 16th day of July, 2001 and thereafter conducted a diligent and extensive search to replace the previous County Manager, William R. Richardson, whose resignation created a vacancy requiring Scanlon's interim appointment.
3. This replacement search was conducted solely on the basis of executive and administrative qualifications in accord with North Carolina General Statute 153A-81(1).
4. As a result of the aforementioned search, the County has determined that it would best be served by the continued services of Scanlon in the permanent position of County Manager.

Now, therefore, in consideration of the mutual covenants expressed herein and other good and valuable considerations, the receipt of which is acknowledged, it is agreed between the parties as follows:

EMPLOYMENT

1. County does hereby offer, and Scanlon does hereby accept, effective the _____ day of _____, 2001, employment as County Manager of Currituck County. In this regard, Scanlon specifically obligates himself as County Manager to properly perform duties specified in North Carolina General Statute 153A-82 which is incorporated herein and made a part of this Employment Contract.

2. It is understood this employment is a full-time obligation. Scanlon agrees not to pursue any other employment during the term of this agreement or any extension thereof, without the written permission of the Board of Commissioners.

TERM OF EMPLOYMENT – SEVERANCE BENEFITS - NOTICE

1. Scanlon shall serve at the pleasure of the County Board of Commissioners. Thus, his employment may be terminated at any time, with or without cause. Provided, however, if the termination is without cause, Scanlon shall receive his then existing salary for one hundred eighty (180) consecutive days from the date of termination, or until his fulltime employment with any other employer, which ever event occurs first. Additionally, during such period, Scanlon shall continue to receive hospitalization to the same extent as he enjoyed during his employment at the time of termination.

2. In the event that Scanlon should voluntarily resign his position as County Manager, he shall give the County not less than a minimum of one (1) months notice. During this notice period, Scanlon shall, at the option of the Board of Commissioners, continue to work in the capacity of County Manager with the benefits of his existing compensation.

3. Termination for cause shall be effective immediately and entitle Scanlon to no further compensation. "Cause" is defined herein as: insubordination, conviction of a felony or

crime of moral turpitude, consumption of alcohol or control substances on County property during employment, intoxication on County property during employment, theft, embezzlement, assault on a co-worker, and sexual harassment.

COMPENSATION

1. For his services as County Manager, Scanlon shall be compensated at the annual rate of \$76,083.00, which shall be paid in equal increments on or before the first day of each month for the preceding months work, or biweekly for the preceding two (2) weeks work, at the election of employer.
2. In addition to the above-stated salary, Manager shall receive such other benefits from his employment to the same extent as regular County employees. This includes, but is not limited to, hospitalization insurance, retirement contributions, and the like.
3. The County agrees to provide Scanlon an automobile for use in his employment. This automobile shall be maintained by the County including gasoline, repairs, tires, etc.

PROFESSIONAL DEVELOPMENT

The County recognizes the importance of its Manager maintaining and acquiring extensive knowledge and expertise in local government management. To that end, County agrees to budget and pay travel, fees, tuition, and subsistence expenses for the Manager to travel and attend meetings, enroll in educational courses, attend seminars, and to otherwise pursue developmental courses of study. This shall include, but not be limited to, travel to any and all functions deemed advantageous for the County, such as the North Carolina City and County Management Association, the National Association of Counties Annual Meeting, the North Carolina Association of Counties Meetings, Institute of Government Meetings and Educational Programs, and the like. County also agrees to budget and pay for professional dues and

subscriptions necessary or desirable to enable the Manager to obtain and preserve a current knowledge of the subject matter necessary for the performance of his duties.

INSURANCE

In addition to maintaining Scanlon in the County's hospitalization and comprehensive medical insurance premiums, at County's expense, County does also agree to maintain professional liability insurance on Scanlon and to defend and hold him harmless against any tort, professional liability claim or demand or any other legal action, whether groundless or not, arising out of an alleged act or omission occurring in the performance of Scanlon's duties as County Manager. County will compromise and settle any such claim, in its discretion, as it deems appropriate, and pay the amount of any settlement or judgment, rendered thereon. However, Scanlon shall follow the instructions of County in such litigation, and shall fully cooperate with the County in defending such claims if the County determines that should be pursued.

OTHER TERMS AND CONDITIONS OF EMPLOYMENT

All provisions of the County Personnel Ordinance or Policy and Regulations and Rules of the County relating to vacation and sick leave, retirement and pension system contributions, holidays, disability, health and life insurance, and other fringe benefits and working conditions as they now exist, or hereafter may be amended, shall apply to the benefit and obligation of Scanlon unless otherwise provided herein.

HOURS OF EMPLOYMENT

It is agreed and understood that the position of County Manager is not an hourly compensation. It is also agreed and understood that the Manager shall frequently be required to work more than forty (40) hours in any given workweek and will often attend County meetings

and functions after a normal workday. Manager agrees to expend such time as is reasonably necessary to accomplish the duties and obligations of his employment. However, Manager, in the exercise of prudent discretion, may compensate himself by working less than forty (40) hours in some workweeks. Manager shall at all times be available to the Commissioners except vacation or sick leave.

OFFICE AND SUPPORT

The County shall provide to Scanlon a suitable office, appropriately furnished together with secretarial and administrative assistance commensurate with his position and appropriate for the performance of his duties.

AMENDMENTS AND MODIFICATIONS

No amendment or modification of this agreement shall be made unless the same is in writing and duly executed by the parties with the formality attending the execution of this agreement. Any verbal modification shall be deemed ineffective.

INTERPRETATION, CHOICE OF JURISDICTION, BINDING EFFECT

This agreement shall be interpreted under the laws of the State of North Carolina and in the event that any litigation should arise under this agreement, or the alleged failure of either party to perform hereunder, it is agreed and stipulated that jurisdiction shall be exclusively in the General Court of Justice in Currituck County, either Superior or District Court as the case may appear.

This agreement is binding upon and shall inure to the benefit of the heirs and estate of Manager.

IN WITNESS WHEREOF, the County of Currituck has caused this agreement to be signed and executed in its behalf by its Chairman and duly attested by its County Clerk and the

Manager has signed and executed this agreement, both in duplicate originals, the day and year first above written.

THE COUNTY OF CURRITUCK

By:

Gene A. Gregory
Gene A. Gregory, Chairman of
the Board of Commissioners

ATTEST:

Gwen N. Tatem
Gwen Tatem, Clerk

Daniel F. Scanlon, II
DANIEL F. SCANLON, II

Sandra Hill



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1688)

Agenda Item Title

Consideration of third amendment to agreement for the exchange of land between The Conservation Fund, County of Currituck, and the United States of America.

Brief Description of Agenda Item:

Attached for your consideration is a third amendment to the agreement for the exchange of lands between The Conservation Fund, the county, and US Fish and Wildlife. The reason for the third amendment is to allow for a month to month extension of time to exchange the lands as called for in the agreement in order to give the United States the time required to complete its due diligence under Federal Land Acquisition standards.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

LA-NORTH CAROLINA
 MACKAY ISLAND NWR
 THE CONSERVATION FUND
 MCI (76b)

THE CURRITUCK COUNTY
 BOARD OF COMMISSIONERS
 TRACTS TO BE DIVESTED:
 CRT (3,a XL)(10,a-i,k XL)(PT10j XL) (PT13XL)
 TRACTS TO BE ACQUIRED:
 MCI (3b,c)

THIRD AMENDMENT TO THE AGREEMENT FOR THE EXCHANGE OF LANDS

THIS AGREEMENT is the third amendment to the Agreement for the Exchange of Lands entered into by **THE CONSERVATION FUND (TCF)**, a non-profit organization as defined under Section 501(c)(3), whose address is 1655 N. Fort Myer Drive, Suite 1300, Arlington, Virginia 22209, the **COUNTY OF CURRITUCK NORTH CAROLINA (the COUNTY)**, a body politic, whose address is 153 Courthouse Road, Suite 204, Currituck, North Carolina 27209, and the **UNITED STATES OF AMERICA (USA)**, acting by and through the Secretary of the Interior or her authorized representative, dated February 13, 2015 (the "Agreement"), and herein collectively known as the **PARTIES**;

WITNESSETH:

By this Amendment, the PARTIES hereto mutually agree as follows:

1. All parties agree to extend the existing agreement to protect the integrity of the appraised value of all properties included in this agreement. This Third Amendment will be extended on a month to month basis to allow for the completion of all due diligence required by Federal Land Acquisition Standards for Fee Purchase and an Exchange. (The Section 106 and EO 11593 Review Compliance).

2. We further agree that the closing between FWS the USA and TCF may go forward as agreed for \$944,900.00, for the full fair market value of the 287.64 acres (76b).

3. We further agree that this amendment will correct a typo in the second amendment which stated that the value of the 95.61 acres is \$988,900.00. This was in error so the parties hereby agree that TCF may proceed to convey to Currituck the County the remaining 95.61 acres for \$981,100.00 (76c,d). This is the full fair market allocated value of the 95.61 acres per the approved appraisal of the property.

4. We further agree that, it willas be stipulated in this Second Third Amendment, that upon completion of all required due diligence for federal land acquisition standards, and; a) the direct purchase of the \$287.64 acres from TCF by the USA, and b) the direct purchase of 95.61 acres from TCF by the County the required due diligence, for the exchange, the Currituck

County will exchange ~~with the FWS the remaining~~ 95.61 acres (76c,d) in an equal value for value exchange with the USA.

~~2. The total acreage being conveyed to the USA will remain 383.25 acres.~~

~~However, this conveyance will now be broken into two separate actions as identified herein:~~

~~a) The number of acres to be conveyed to the Service in the exchange is hereby amended from 383.25 acres to 95.61 acres.~~

~~b) This decrease of 287.64 acres is herein specifically identified for a transaction by which it will be purchased directly by the USA from TCF.~~

~~c) The remaining 95.61 acres will then be purchased by the County from TCF and subsequently conveyed to the USA by an Exchange with the County.~~

~~d) Approved, revised surveys and legal descriptions for both tracts will be provided prior to closing and attached as Exhibits "A" and "B".~~

~~5.~~

4. The Parties further agree that as stated in the Second Amendment, for the purpose of preserving the integrity of the appraised value, all Parties agree that both tracts will ultimately be conveyed to the USA and as herein stated will be done so in two separate actions; a) direct purchase with TCF and b) exchange between the County and the USA. The total consideration paid to TCF ~~for both transactions~~ will be \$1,926,000.00 (One Million Nine Hundred Twenty-Six Thousand and No/100) and will ultimately bring the entire 383.25 acres owned by TCF to the ownership of the USA.

56. The parties do hereby agree that all other terms and conditions as set forth in the before mentioned Agreement for the Exchange of Lands, dated February 13, 2015, and subsequent First and Second Amendments will remain the same.

IN WITNESS WHEREOF, the Vendors have hereunto signed their name(s) this _____
day of _____ 2016.

In the presence of:

Witness: _____
Print Name

Witness: _____
Print Name

THE CONSERVATION FUND, a non-profit organization

By: _____
Print Name _____

ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)

On this _____ day of _____, 2016, before me personally appeared _____, who is the _____ for The Conservation Fund, a non-profit organization, known to me to be the person who is described herein and who executed the within instrument on behalf of The Conservation Fund, and acknowledged to me that he executed the same.

(SEAL)

Notary Public

My Commission Expires:

~~THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK~~

ATTEST:

**COUNTY OF CURRITUCK
NORTH CAROLINA**

By:

Leeann Walton, Clerk of the Board
Daniel F. Scanlon, II, County Manager

(COUNTY SEAL)

ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)

I, _____, a Notary Public for the county and state aforesaid, do hereby certify that Daniel F. Scanlon, II personally came before me this day and acknowledged that he is the County Manager for the County of Currituck North Carolina and acknowledged on behalf of the County of Currituck, North Carolina the due execution of the foregoing instrument.

Witness my hand and seal, this the 12 day of February, 2016.

(NOTARY SEAL)

Notary Public

Printed Name

My Commission Expires:

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

ACCEPTANCE

Under the terms of the direct purchase, portion of this Agreement, of the land herein described, at the price and under the conditions herein stated, having been duly approved by the Migratory Bird Conservation Commission on the _____ day of _____, 2015, the Secretary of the Interior, acting by and through her authorized representative, has executed this agreement on behalf of the United States of America on this _____ day of _____, 2016.

THE UNITED STATES OF AMERICA
U.S. Fish and Wildlife Service

By: _____
Title: Chief, Division of Realty

ACCEPTANCE

The Secretary of the Interior, acting by and through her authorized representative, has executed the exchange portion of this Agreement subject to the terms herein stated and set forth, on behalf of the United States of America on this _____ day of _____, 2016.

THE UNITED STATES OF AMERICA
U.S. Fish and Wildlife Service

By: _____
Title: Chief, Division of Realty



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1683)

Agenda Item Title

Order of Entry-R.F. London, Inc. (Mermaids)

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

STATE OF NORTH CAROLINA
CURRITUCK COUNTY

BEFORE THE
BOARD OF COMMISSIONERS
File No. PB 00-06

IN THE MATTER OF:)
R.F. LONDON, INC. SPECIAL USE)
PERMIT APPLICATION FOR AN ADULT)
AND SEXUALLY ORIENTED BUSINESS)
(ADULT ENTERTAINMENT))

)

DECISION ON REMAND

THIS MATTER came on for hearing before the Currituck County Board of Commissioners, (the "Board"), on May 5, 2015 pursuant to the Order of the Currituck County Superior Court entered on July 24, 2012 remanding the matter to the Currituck County Board of Commissioners for proceedings and findings consistent with the court's order and the Order of Superior Court Judge Jerry R. Tillett entered on or about May 24, 1999.

Pursuant to the Order of Judge Jerry R. Tillett the Currituck County Board of Commissioners is to consider the application of R. F. London, Inc. pursuant to §808 of the Currituck County Unified Development Ordinance in effect on or about May 24, 1999 and make specific findings of fact and conclusions of law to address the following:

- a. R. F. London, Inc.'s initial intended use;
- b. the secondary effects of R. F. London, Inc.'s initial use;
- c. R. F. London, Inc.'s amended use;
- d. the secondary effects of R. F. London, Inc.'s amended use;
- e. how the secondary effects are affected by the different intended uses.

The Board also considered the application pursuant to §1304 of the Currituck County Unified Development Ordinance in effect on or about May 24, 1999.

During the hearing the applicant alleged that Commissioners Aydlett, O' Neal and Beaumont were unable to render a fair and impartial decision based only on the evidence presented during the course of the hearing because they were members of boards that previously considered the applicant's request for use permit. When asked, none of the challenged Commissioners stated that they would be unable to render a fair and impartial decision based only on the evidence presented during the course of the hearing. Thereafter, no motion was made to recuse Commissioners Aydlett, O' Neal or Beaumont.

After consideration of the evidence presented, authorities submitted, argument of counsel and due reference to the Applicant's burden of proof, the Board makes the following FINDINGS OF FACT:

**THE SPECIAL USE PERMIT APPLICATION PURSUANT TO §§1304 AND 808
OF THE UNIFIED DEVELOPMENT ORDINANCE**

1. The Applicant R. F. London, Inc., (the "Applicant"), submitted an application on February 7, 2000 for a special use permit to use property located 134 Albetuck Road, Point Harbor, North Carolina for an adult and sexually oriented business and it is complete in that it provides sufficient information upon which a decision can be made whether the use permit should or may be issued.
2. The Applicant's proposed amended use is not among those listed in the Table of Permissible Uses as a special use indicated with an "S".
3. The Applicant's request for amended use, an adult and sexually oriented business, is within the jurisdiction of the Board of Commissioners according to Section 1310, use number 37.000.
4. An adult and sexually oriented business is allowed as a use in the Heavy Manufacturing (HM) zoning district and is not allowed as a use in the General Business (GB) zoning district. The Applicant's property is zoned General Business (GB) and the Applicant has never applied to rezone its property to a Heavy Manufacturing (HM) zoning district.
5. The conditions proposed for the Applicant's amended use of its property as an adult and sexually oriented business do not meet or exceed the minimum requirements of this ordinance.
6. Sections 808 and 1310 of the Unified Development Ordinance, adopted September 19, 1994, classifies topless nightclubs as "Adult and Sexually Oriented Business" which requires such businesses to locate in a Heavy Manufacturing zoning district with a special use permit and be located a minimum of 1,000 feet from any dwelling or R (Residential) and RA (Residential Agricultural) zoning district, among other things.
7. The property on which the Applicant seeks a special use permit to operate an adult and sexually oriented business and on which currently operates such business without required zoning and special use permits is zoned GB (General Business). Further, the building in which the adult and sexually oriented business is located is within 1,000 feet of 17 residential dwellings (in the year 2000) and immediately adjacent to an R (Residential) zoning district.
8. The proposed use will materially endanger the public health or safety for the following reasons:

- a. The Applicant's request for amended use and special use permit for the property, an adult and sexually oriented business, is immediately adjacent to a residential subdivision known as Old Oak Estates, which contains 14 dwellings (in the year 2000). Old Oak Estates is zoned R "Residential".
- b. Upon enactment of N.C. Gen. Stat. 160A-181.1 the North Carolina General Assembly has found and determined that: sexually oriented businesses can and do cause adverse secondary impacts on neighboring properties. Numerous studies that are relevant to North Carolina have found increases in crime rates and decreases in neighboring property values as a result of the location of sexually oriented businesses in inappropriate locations or from the operation of such businesses in an inappropriate manner. Reasonable local government regulations of sexually oriented businesses in order to prevent or ameliorate adverse secondary impacts is consistent with the federal constitutional protection afforded to nonobscene but sexually explicit speech.
- c. Based on the North Carolina General Assembly's findings and determination and evidence concerning the adverse secondary effects of sexually oriented business on the community and findings incorporated in the cases *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theaters, Inc.*, 427 U.S. 50 (1976), and *Barnes v. Glenn Theater, Inc.*, 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Dallas/Fort Worth, Texas; Denver, Colorado; Ellicotville, New York; Newport News, Virginia; Indianapolis, Indiana; Los Angeles, California; St. Paul, Minnesota; and Austin, Texas; the findings in Article IV, Chapter 12 of the Town of Nags Head, North Carolina Code of Ordinances; and the findings of Chapter 112 of the Dare County, North Carolina Code of Ordinances; David W. Owens, "Regulating Sexually Oriented Businesses", Special Series No. 15, January, 1997; and David W. Owens, "Recent Developments Regarding Local Regulation of Sexually Oriented Businesses", Planning and Zoning No. 10, August, 1998, the Board of Commissioners for the County of Currituck further finds that:
 - i. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are uncontrolled by the operators of the establishments and that without reasonable regulation there is no mechanism to make owners of such establishments responsible for activities that occur on their premises.
 - ii. Employees of certain sexually oriented businesses engage in higher incidences of certain types of illicit sexual behavior than employees of other commercial establishments.

- iii. At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency infection, genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
- iv. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy and, in part, because of the unregulated nature of the activities and the failure of owners and operators of the facilities to self-regulate those activities and maintain those facilities.
- v. Numerous studies and reports have demonstrated that the consumption of alcohol or alcoholic beverages at a sexually oriented business increases the potential for illicit sexual activity, violence, acts characterized as disturbing the peace, and other identified nuisances to occur.
- vi. Studies have demonstrated that where sexually oriented businesses are located, other activities that are illegal or unhealthy tend to accompany them, locate around them, and be aggravated by them. Such other activities include but are limited to prostitution; solicitation for prostitution; lewd and lascivious behavior; possession, distribution, and transportation of obscene materials; sale or possession of controlled substances; and violent crimes against persons and property.
- vii. The public health and safety of the citizens and visitors of the county will be materially endangered by the establishment of the proposed use.

9. The proposed use will substantially injure the value of adjoining or abutting property and will not be in harmony with the particular neighborhood or area in which it is to be located for the following reasons:

- a. The amended use, an adult and sexually oriented business, is immediately adjacent to a residential subdivision known as Old Oak Estates, which contains 14 dwellings (in the year 2000). Old Oak Estates is zoned R "Residential".
- b. The amended use, an adult and sexually oriented business, does not meet the locational, nor the spacing requirements of §808 of the Unified Development Ordinance established for adult and sexually oriented businesses.

- c. A review of county tax office property valuations histories between 1990 and 2000 for 27 lots in Old Oak Estates shows 24 properties decreased in value a total of \$88,895.00 and 3 properties increased in value a total of \$5,321.00. The net decrease in tax base for Old Oak Estates between 1990 and 2000 is \$83,574.00. The unpermitted adult and sexually oriented business began offering topless dancing on the Applicant's property in the summer of 1994.
- d. With the enactment of N.C. Gen. Stat. 160A-181.1 the North Carolina General Assembly has found and determined that: sexually oriented businesses can and do cause adverse secondary impacts on neighboring properties. Numerous studies that are relevant to North Carolina have found increases in crime rates and decreases in neighboring property values as a result of the location of sexually oriented businesses in inappropriate locations or from the operation of such businesses in an inappropriate manner. Reasonable local government regulations of sexually oriented businesses in order to prevent or ameliorate adverse secondary impacts is consistent with the federal constitutional protection afforded to nonobscene but sexually explicit speech.
- e. Based on the North Carolina General Assembly's findings and determination and evidence concerning the adverse secondary effects of sexually oriented business on the community and findings incorporated in the cases City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986), Young v. American Mini Theaters, Inc., 427 U.S. 50 (1976), and Barnes v. Glenn Theater, Inc., 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Dallas/Fort Worth, Texas; Denver, Colorado; Ellicottville, New York; Newport News, Virginia; Indianapolis, Indiana; Los Angeles, California; St. Paul, Minnesota; and Austin, Texas; the findings in Article IV, Chapter 12 of the Town of Nags Head, North Carolina Code of Ordinances; and the findings of Chapter 112 of the Dare County, North Carolina Code of Ordinances; David W. Owens, "Regulating Sexually Oriented Businesses", Special Series No. 15, January, 1997; and David W. Owens, "Recent Developments Regarding Local Regulation of Sexually Oriented Businesses", Planning and Zoning No. 10, August, 1998, the Board of Commissioners for the County of Currituck further finds that:
 - i. Studies have demonstrated that sexually oriented businesses are regional businesses and as such have a regional draw.
 - ii. Small towns, and by extension rural areas, do not have sufficient target populations to support sexually oriented businesses as has been demonstrated in numerous trade area studies.

- iii. Studies have demonstrated that a sexually oriented business in a small town, and by extension rural areas, will draw in a regional population consisting largely of adult males in their twenties whose interests and activities are different from of the older adults or families in the community.
- iv. Sexually oriented businesses tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, foster an atmosphere that promotes crime, and ultimately lead other residents and commercial establishments to relocate.
- v. By establishing location criteria to keep sexually oriented businesses away from sensitive uses, such as residential districts, schools, day care centers, religious facilities, playgrounds and parks the potential for the identified secondary impacts to be felt by the sensitive uses is lessened.
- vi. Those individuals who desire to purchase, lease, or sell those items or services provided by sexually oriented businesses or who wish to participate in services provided by sexually oriented businesses have additional reasonable avenues available to do so including but not limited to:
 - (1) Access to sexually oriented items and services within the county which are permitted to sell and distribute sexually oriented items and services;
 - (2) Access to sexually oriented items and services within the regional vicinity of the county, including locations in Dare County municipalities, Elizabeth City, North Carolina, and the incorporated portions of Virginia;
 - (3) Access to cable television, including premium channels, pay-per-view channels and adult channels, access to satellite dish transmissions, internet access, telephone access, on-line computer services and access to oriented material via mail and other delivery services.
- vii. The value of adjoining or abutting property and harmony with the surrounding neighborhood and area will be injured by the establishment of the proposed use.

10. The Applicant's request for a special use permit to operate an adult and sexually oriented business on the Applicant's property is not consistent with the county's

1990 Land Use Plan because the establishment of an adult and sexually oriented business will detract from the quality of life in Currituck County (Goal 6.1) and the Limited Transition classification of the subject property is characterized by residential development which is not compatible with an adult and sexually oriented business.

ii. The Applicant's request for a special use permit to operate an adult and sexually oriented business on the Applicant's property will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities because the use of the property as an adult or sexually oriented business, although required to locate within the Heavy Manufacturing (HM) zoning district, is commercial in nature and will not exceed the county's ability to provide other public facilities.

FINDINGS REQUIRED BY MAY 24, 1999 ORDER OF THE CURRITUCK COUNTY SUPERIOR COURT

As further required in an Order issued by the Honorable Jerry R. Tillett dated May 24, 1999, the Board, pursuant to Unified Development Ordinance (UDO) Section 808, makes the following specific findings of fact and conclusions of law to address the following:

1. The initial intended use of the Applicant's property;

- a. The Applicant's initial intended use of its property was a nightclub and billiards/game room. A completed application to appear before the county's Board of Adjustment for a conditional use permit was submitted on August 4, 1993.
- b. Following hearings on August 25, 1993 and January 26, 1994 the county's Board of Adjustment issued Applicant a conditional use permit on January 26, 1994 to operate a nightclub and billiards/game room on the Applicant's property. During county Board of Adjustment hearing, the Applicant's representative, Robert F. London, testified that the nightclub would not feature topless dancing.

2. The secondary effects of the initial use:

- a. Section 1310 of the Unified Development Ordinance established the nightclub and billiards/game room use as a conditional use in the General Business (GB) zoning district.

- b. The initial intended use, a nightclub and billiards/game room, was located on a parcel of land properly zoned General Business (GB) and met the requirements of the Unified Development Ordinance. Therefore, as a use of property permitted in the General Business (GB) zoning district with a conditional use permit the initial intended use did not endanger the public health or safety, was in harmony with surrounding area, and did not injure the value of adjoining or abutting property.

3. The amended use;

- a. On February 7, 2000, the Applicant submitted a special use permit application to operate an adult and sexually oriented business consisting of a "Nightclub offering comedy, pool tables, video games, musicians, dancing, topless dancing, organized parties for businesses or groups."
- b. On May 1, 2000 the Board held a public hearing on the Applicant's special use permit application to operate an adult and sexually oriented business on the Applicant's property. The Board denied the application because the requested adult and sexually oriented business use of the Applicant's property did not comply with the applicable requirements of the Unified Development Ordinance.
- c. Specifically, the amended use, an adult and sexually oriented business, does not meet the locational or the spacing requirements of Section 808 of the Unified Development Ordinance because the Applicant's property is located adjacent to an R (Residential) zoning district and the amended use on the Applicant's property is located in a building within 1,000 feet of 14 residential dwellings in the year 2000 and 17 as of the date of this hearing .

4. The secondary effects of the amended use;

- a. The amended use, an adult and sexually oriented business, is immediately adjacent to a residential subdivision known as Old Oak Estates, which contains 14 dwellings (in the year 2000). Old Oak Estates is zoned R "Residential".
- b. The amended use, an adult and sexually oriented business, does not meet the locational, nor the spacing requirements of Section 808 of the Unified Development Ordinance requiring location in a Heavy Manufacturing (HM) zoning district and location at least 1,000 feet from a Residential (R) zoning district and residential dwellings.
- c. A review of county tax office property valuations histories between 1990 and 2000 for 27 lots in Old Oak Estates shows 24 properties decreased in value a total of \$88,895.00 and 3 properties increased in value a total of \$5,321.00. The net decrease in tax base for Old Oak Estates between 1990 and 2000 is

\$83,574.00. Adult and sexually oriented business use on the Applicant's property began in the summer of 1994.

d. With the enactment of N.C. Gen. Stat. 160A-181.1 the North Carolina General Assembly has found and determined that: sexually oriented businesses can and do cause adverse secondary impacts on neighboring properties. Numerous studies that are relevant to North Carolina have found increases in crime rates and decreases in neighboring property values as a result of the location of sexually oriented businesses in inappropriate locations or from the operation of such businesses in an inappropriate manner. Reasonable local government regulations of sexually oriented businesses in order to prevent or ameliorate adverse secondary impacts is consistent with the federal constitutional protection afforded to nonobscene but sexually explicit speech.

e. Based on the North Carolina General Assembly's findings and determination and evidence concerning the adverse secondary effects of sexually oriented business on the community and findings incorporated in the cases *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theaters, Inc.*, 427 U.S. 50 (1976), and *Barnes v. Glenn Theater, Inc.*, 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Dallas/Fort Worth, Texas; Denver, Colorado; Ellicotville, New York; Newport News, Virginia; Indianapolis, Indiana; Los Angeles, California; St. Paul, Minnesota; and Austin, Texas; the findings in Article IV, Chapter 12 of the Town of Nags Head, North Carolina Code of Ordinances; and the findings of Chapter 112 of the Dare County, North Carolina Code of Ordinances; David W. Owens, "Regulating Sexually Oriented Businesses", Special Series No. 15, January, 1997; and David W. Owens, "Recent Developments Regarding Local Regulation of Sexually Oriented Businesses", Planning and Zoning No. 10, August, 1998, the Board of Commissioners for the County of Currituck further finds that:

- i. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are uncontrolled by the operators of the establishments and that without reasonable regulation there is no mechanism to make owners of such establishments responsible for activities that occur on their premises.
- ii. Employees of certain sexually oriented businesses engage in higher incidences of certain types of illicit sexual behavior than employees of other commercial establishments.
- iii. At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency infection, genital

herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

- iv. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy and, in part, because of the unregulated nature of the activities and the failure of owners and operators of the facilities to self-regulate those activities and maintain those facilities.
- v. Numerous studies and reports have demonstrated that the consumption of alcohol or alcoholic beverages at a sexually oriented business increases the potential for illicit sexual activity, violence, acts characterized as disturbing the peace, and other identified nuisances to occur.
- vi. Studies have demonstrated that sexually oriented businesses are regional businesses and as such have a regional draw.
- vii. Small towns, and by extension rural areas, do not have sufficient target populations to support sexually oriented businesses as has been demonstrated in numerous trade area studies.
- viii. Studies have demonstrated that a sexually oriented business in a small town, and by extension rural areas, will draw in a regional population consisting largely adult males in their twenties whose interests and activities are different from of the older adults or families in the community.
- ix. Studies have demonstrated that where sexually oriented businesses are located, other activities that are illegal or unhealthy tend to accompany them, around them, and be aggravated by them. Such other activities include but are limited to prostitution; solicitation for prostitution; lewd and lascivious behavior; possession, distribution, and transportation of obscene materials; sale or possession of controlled substances; and violent crimes against persons and property.
- x. Sexually oriented businesses tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, foster an atmosphere that promotes crime, and ultimately lead other residents and commercial establishments to relocate.
- xi. By establishing location criteria to keep sexually oriented businesses away from sensitive uses, such as residential districts, schools, day care centers, religious facilities, playgrounds and parks the potential

for the identified secondary to be felt by the sensitive uses is lessened.

xii. Those individuals who desire to purchase, lease, or sell those items or services provided by sexually oriented businesses or who wish to participate in provided by sexually oriented businesses have additional reasonable avenues available to do so including but not limited to:

- (1) Access to sexually oriented items and services within the county which are permitted to sell and distribute sexually oriented items and services;
- (2) Access to sexually oriented items and services within the regional vicinity of the county, including locations in Dare County municipalities, Elizabeth City, North Carolina, and the incorporated portions of Virginia;
- (3) Access to cable television, including premium channels, pay-per-view channels and adult channels, access to satellite dish transmissions, internet access, telephone access, on-line computer services and access to oriented material via mail and other delivery services.

xiii. The public health and safety of the citizens and visitors of the county will be materially endangered by the establishment of the proposed use.

xiv. The value of adjoining or abutting property and harmony with the surrounding neighborhood and area will be injured by the establishment of the proposed use.

5. **How the secondary effects are affected by the different intended uses.**
 - a. The secondary effects of the amended use, an adult and sexually oriented business, are substantial because the adult and sexually oriented business use is located in the General Business (GB) zoning district in which the proposed use is not permitted and is located within 1,000 feet of a Residential (R) zoning district and residential dwellings and therefore does not meet the locational or the spacing requirements of Section 808 of the Unified Development Ordinance. Further, the amended use endangers the public health or safety, is not in harmony with surrounding area because it is not a permitted use in the General Business (GB) zoning district among other reasons, and injures the value of adjoining or abutting property.
 - b. The secondary effects of the initial intended use, a nightclub and billiards/game room, are not present because that use was located on property zoned General Business (GB), a uses permitted with conditional use permit in that zoning district, and otherwise met the requirements of the Unified Development Ordinance. Therefore, the initial intended use did not endanger the public health or safety, was in harmony with surrounding area, and did not injure the value of adjoining or abutting property.

Based on the foregoing FINDINGS OF FACT, the Board CONCLUDES AS A MATTER OF LAW that:

1. The Applicant's application for special use permit to use its property for an adult and sexually oriented business is complete in that it provides sufficient information upon which a decision can be made whether the use permit should or may be issued.
2. The proposed amended use of the Applicant's property for an adult and sexually oriented business is not a use of property listed in the Unified Development Ordinance Table of Permissible Uses as a special use indicated with an "S".
3. The conditions proposed for the Applicant's use of its property for an adult and sexually oriented business do not meet or exceed the minimum requirements of the county's Unified Development Ordinance because the ordinance requires that adult and sexually oriented businesses must locate in a Heavy Manufacturing (HM) zoning district with a special use permit and be located a minimum of 1,000 feet from any dwelling or Residential (R) and Residential Agricultural (RA) zoning and the Applicant's property is located in a General Business (GB) zoning district less than 1,000 feet from a residential dwelling and Residential (R) zoning district.
4. The Applicant's proposed use of its property for an adult and sexually oriented business will materially endanger the public health or safety.

5. The Applicant's proposed use of its property for an adult and sexually oriented business will substantially injure the value of adjoining or abutting property and will not be in harmony with the neighborhood or area in which it is proposed for location.

6. The Applicant's proposed use of its property for an adult and sexually oriented business is not consistent with the county's 1990 Land Use Plan because an adult and sexually oriented business is not compatible with adjacent residential use of property.

7. The Applicant's proposed use of its property for an adult and sexually oriented business will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement and other county facilities.

8. The Applicant's application for special use permit to use its property for an adult and sexually oriented business should be denied for failure to satisfy the requirement of the county's Unified Development Ordinance related to zoning districts and setback requirements.

Based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the Board unanimously DENIES the application of R. F. London, Inc. for a special use permit to use its property zoned General Business (GB) and located within 1,000 feet of a Residential (R) zoning district and buildings used as residential dwellings for an adult and sexually oriented business.

This decision was made on May 5, 2015 upon unanimous vote of the Board in open session and entered upon the Board's unanimous adoption of the written decision on October 3, 2016 following the decision of the Currituck County Board of Adjustment on remand from the Currituck County Superior Court and in order to allow for consolidated appeal of the matters pursuant to the May 24, 1999 Order of the Currituck County Superior Court.

This 3rd day of October, 2016.

David L. Griggs, Chairman
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

(COUNTY SEAL)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 1678)

Agenda Item Title

TDA Budget Amendments

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Daniel F. Scanlon

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 3rd day of October 2016 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-545002	Historic Preservation	\$ 480,605	
15447-592001	Whalehead Projects	\$ 5,400	
15390-499900	Appropriated Fund Balance		\$ 486,005
		<u>\$ 486,005</u>	<u>\$ 486,005</u>

Explanation: Tourism Related Expenditures (15447) - To carry-forward funds designated for historic preservation and for signage for Historic Corolla park.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$486,005.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 3rd day of October 2016 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587010	T T - Operating Fund	\$ 18,500	
15390-499900	Appropriated Fund Balance		\$ 18,500
		<hr/> <u>\$ 18,500</u>	<hr/> <u>\$ 18,500</u>

Explanation: Tourism Related Expenditures (15447) - To carry-forward funds for Lower Currituck Economic Development Assessment.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$18,500.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 3rd day of October 2016 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-590000	Capital Outlay	\$ 70,000	
15320-415000	Occupancy Tax		\$ 35,000
15330-449900	Miscellaneous Grants		\$ 35,000
		<hr/> <u>\$ 70,000</u>	<hr/> <u>\$ 70,000</u>

Explanation: Tourism Related Expenditures (15447) - Increase appropriations for cost share between SAGA Construction and the County for Perch Street walkway.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$70,000.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 3rd day of October 2016 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2017.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
15442-554000	Insurance and Bonds	\$	8,400		
15320-415000	Occupancy Tax			\$	8,400
		<hr/>	<hr/>	<hr/>	<hr/>
		\$	8,400	\$	8,400

Explanation: Tourism Promotion (15447) - Increase in insurance costs due to increase in activities for this fiscal year.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$8,400.

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